

INDIANA

AND THE

NATION

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# INDIANA AND THE NATION

CONTAINING

THE CIVIL GOVERNMENT OF INDIANA; THE STATE CONSTITUTION;  
THE CONSTITUTION OF THE UNITED STATES; SUG-  
GESTIVE TOPICS AND QUESTIONS

BY

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## PREFACE.

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As the necessity for intelligent citizenship becomes more and more apparent, the demand for instruction in civil government becomes more and more urgent. Under the stress of this urgency the subject has been placed in the course of study for all the best high schools of the entire country. The line has generally been drawn, however, at the civil government of the United States, and state and local governments have been neglected. This neglect has been largely due to the fact that suitable books have been wanting.

To meet that want for the boys and girls of Indiana, this book has been prepared. By far the greater number of these boys and girls will never reach the high school. They are, nevertheless, citizens, and must participate in the state and local governments under which they live. This fact has been kept in mind in the preparation of the book, and the text and questions have been prepared with reference to their needs.

Besides the work on the civil government of Indiana, the book contains the text of the United States Constitution, with an analytical outline of the same, to which is added a large number of interesting and suggestive questions. These features make it not only a convenient text book, but a handy little reference book on civil government for any school or home in the state.

EARLHAM COLLEGE,  
RICHMOND, IND., June, 1893.

C. W. H.



## SUGGESTIONS TO THE TEACHER.

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No school work accomplishes the best that is possible for the student if it does not lay upon him the necessity of self-directed observation, and independent thinking. This principle has been kept in view in the preparation of this book. The text does not, therefore, elaborate the details of the government of the State. It leaves to the teacher and pupils the pleasure and profit of finding out some things for themselves. The details of Indiana civil government are constantly *working out* in the very presence of teacher and pupils, and it is the design of the questions, and especially of the suggestive topics, to incite them to open their eyes and see the governmental processes that are going on about them.

The **Suggestive Topics** and **Topics for Discussion** constitute an important feature, and the intelligent and persistent use of them by the teacher may be expected to secure valuable results; among them are the following:

1. Interested searching for facts in many a neglected corner.
2. Independent thinking about the facts.
3. Talks with parents and with local officers concerning local government.
4. Observation of the workings of town, city, township and county governments.
5. Development of patriotic interest in the management of public affairs, and intelligent criticism of public officers.
6. Growth of the feeling of responsibility for the faithful performance of the duties of citizenship.



Interest may be excited and maintained by varying the requirements concerning the suggestive topics. One pupil may be assigned the duty of preparing a careful oral report on some one of the topics; another may present a written statement upon some other topic; or the entire class may be assigned the same topic, in competition for the fullest, and at the same time the most concise, answer.

Each topic for discussion may be made the subject of one or more carefully written papers on the opposite sides, or two or more may orally discuss it, or it may be the subject of general discussion by the entire class.

Pupils should not be confined to either oral or written forms of statement: training in both is needed—in the former for readiness of speech, in the latter for conciseness and accuracy of statement.

The lists of topics and questions are by no means exhaustive, and the teacher should add such as he may see to be useful; and the pupils should be encouraged to ask questions of their own.

Before assigning lessons, the teacher should make such special preparation as will enable him to draw the line at the proper amount, and so clearly direct the study of the class as to economize their time and their efforts.

The book may be used as a regular text upon the subject to which it is devoted, or it may be used as supplemental to the history or civil government of the United States.

A few **Reference Books** on the subjects studied should be in every school library. Besides the list given under "Notes to Teachers," following the text of the Constitution of the United States, pp. 175-177, the following are suggested:

1. A recent Unabridged Dictionary.
2. Reports of state officers, state boards, etc.
3. Reports of state institutions.
4. Reports of county, city, and other local officers.

*Note.*—Such reports are often published in the local newspapers, and the school should have a scrap-book for filing and preserving them.

5. A copy of the Revised Statutes of Indiana.

6. A copy of the School Law, of the Election Laws, of the Road Laws, and the Acts of the General Assembly for each session since the revision of the statutes.

*Note.*—If these cannot be obtained for the school, they can usually be consulted in the office of some attorney.

7. Copies of the "Rules and Orders" for the Government of the House of Representatives, also of the Senate.

*Note.*—These can be had by addressing the Representative or the Senator from your county.

The amount of practical information that may be obtained from public documents, and the degree of interest in them that may be excited, will agreeably surprise both teacher and pupils.

In the use of this book, as of any other used in the school, its value to the pupils will depend more upon the skill of the teacher than upon its own merits.



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# INDIANA AND THE NATION.

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## CHAPTER I.

### HISTORICAL INTRODUCTION.

Indiana lies in that belt of land "extending from sea to sea," which was claimed by England soon after the discovery of America. On the ground of explorations made along the Great Lakes and the Mississippi River, France claimed that part of this land which lies in the Mississippi Valley; and half a century before the English had made any serious attempt to settle, or even to explore it, the French were in possession by actual occupation. Their principal settlements were made at Kaskaskia in 1701, and at Vincennes a few years later. This territory was at one time attached to the Province of Louisiana, whose capital was at New Orleans; at another, to New France (Canada), whose capital was at Quebec; and the government of these settlements on the Mississippi and the Wabash was administered under French laws, by deputies sent out by the royal governor of one or the other of these provinces.

In 1763, by the treaty of Paris, at the close of the French and Indian War, the French claims east of the Mississippi were transferred to the English, and the government was then administered by English military

officers at Kaskaskia and Vincennes, which were now English military posts. This territory continued under British rule until the early part of the Revolutionary War.

In 1778, Colonel George Rogers Clarke, acting under commission of Patrick Henry, Governor of Virginia, took from the British, by force of arms, Vincennes and Kaskaskia, thus securing to Virginia a claim upon the territory northwest of the Ohio River. Part of this territory had originally been claimed by Virginia under her charter. From this time until 1784, so far as there was any central civil government in the territory, Virginia claimed the right to exercise it, and erected the entire territory into a county, naming it the County of Illinois.

In 1780 the Continental Congress recommended that the States having waste and unoccupied lands in the West, should cede them to Congress for the common benefit of the Union.

In 1781 Virginia consented, on certain conditions, to make the cession recommended by Congress.

In 1783, September 13, the Congress of the Confederation agreed to receive the territory on substantially the conditions proposed by Virginia. In 1783, December 20, the Virginia Legislature passed an act empowering her delegates in Congress to make a deed ceding the Northwest Territory to the United States. Massachusetts, Connecticut and New York had claims in the northern part of this territory, which they gave up soon after the Virginia cession.

On March 1, 1784, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, signed and sealed in



Congress the contemplated deed. This territory then fell under the control of Congress.

In 1784, April 23, an Ordinance for the Government of the Northwest Territory, which had been prepared by Jefferson, was adopted by Congress. But no new settlement was made under this frame of government, and it was practically inoperative.

In 1787, July 13, the famous *Ordinance of 1787*, "for the government of the territory northwest of the Ohio River," was adopted by Congress, and superseded Jefferson's ordinance of 1784. Under this ordinance there was no legislative department for the Northwest Territory, but the governor and judges were empowered to select from among the laws of the thirteen original States such as were adapted to the needs of the Territory.

This was the first provision for government ever really exercised over the territory of which Indiana was a part, after it became a possession of the United States.

In 1788 Virginia ratified the Ordinance of 1787. This action was taken by that State because the "Ordinance" provided for the division of the territory into no more than five states, which was in violation of one of the conditions upon which Virginia had ceded the territory. Virginia had required that it be divided into ten states.

In 1789 the first Congress under the present United States Constitution recognized the binding force of the Ordinance of 1787, provided for carrying its provisions into effect, and adapted the official relations of the territory to the new government of the United States.

In 1800 Ohio was set off from this territory, and Indiana Territory, the remainder, was given a territorial government, with its capital at Vincennes.

In 1805 the Territory of Michigan on the north, and in 1809 that of Illinois on the west, were separated from Indiana, leaving it with its present boundaries. The capital was removed, in 1813, to Corydon.

In 1816, April 19, Congress passed an "enabling act," for the admission of Indiana into the Union as a State. In June, a convention was called for the formation of a State Constitution, and December 11, of the same year, its Constitution was accepted by Congress, and it was proclaimed a State of the Union.

The capital remained at Corydon until 1825, when it was removed to Indianapolis.

In 1851 a State Convention was called, which formed a new Constitution, the one under which the people of the State are now governed.

#### QUESTIONS ON THE HISTORICAL INTRODUCTION.

1. When and how did Virginia get a claim upon the territory of which Indiana is a part? (See Sheldon's American History, pp. 178-180; Montgomery's Leading Facts of American History, p. 178; Lossing's Cyclopaedia of U. S. History).

2. When and why did Virginia give up her claims?

3. Who signed the deed by which this territory was transferred to the United States?

4. What was the name of the first law that was really applied in the government of this territory?

5. Why was it considered necessary for Virginia to approve the "Ordinance of 1787?"

6. State the steps by which Indiana was reduced to its present boundaries.

7. Name and locate the different capitals that Indiana has had

8. How many Constitutions has the State of Indiana had? When was each adopted?

#### SUGGESTIVE TOPICS.

1. Of what great event was George Rogers Clarke's expedition to the West a part?

2. What special reason had Congress for recommending the States having western lands to cede them to the United States? (See Montgomery's Leading Facts, p. 178).

3. In what county is Corydon? Why was the county so named?

4. What is meant by an "enabling act"?

5. How does a territory become a State?

6. Find out, if you can, how many members there were in the State Convention that formed the present Constitution of Indiana.

7. How were the members chosen?

#### TOPIC FOR DISCUSSION.

*Resolved*, That it was because of George Rogers Clarke's expedition, that the Mississippi River, instead of the Allegheny Mountains, became the western boundary of the United States at the close of the Revolutionary War.

## CHAPTER II.

### PREAMBLE AND BILL OF RIGHTS.

The preamble to the Constitution of Indiana sets forth clearly the purposes for which the Constitution was framed.

It is as follows :

“To the end that justice be established, public order maintained, and liberty perpetuated: We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.”

The Constitution is the fundamental law of the State, made by the people themselves, as a guide and a restraint of the executive, legislative, and judicial departments, which represent the people in the government of the State. The acts of all officers must be in harmony with this fundamental law, or they are void. It is only by holding their officers responsible for governing according to this constitutional expression of their will that the people can retain their power, preserve their rights, and be a really self-governing people.

The Constitution consists of sixteen articles, each of which sets forth the will of the people on some particular phase of their government. We shall now examine these in their order.

## ARTICLE I. BILL OF RIGHTS.

The bill of rights asserts the equality of all men; their natural right to "life, liberty, and the pursuit of happiness;" and the right of the people to alter or reform their government. It declares for freedom of conscience, of worship, of thought, of speech, and of the press; freedom from any religious test for holding office or witnessing in court, and it prohibits the state from establishing any creed or church, and from using public funds for any religious or theological institution.

The people shall be free from unreasonable search or seizure of person or property; the courts shall be equally open to all, and justice shall be freely, completely, and speedily administered; the right of trial by jury, in both civil and criminal cases, must be preserved, and the person accused of crime shall have the right to meet his accusers in court, and to compel the attendance of witnesses in his own behalf; he shall not be compelled to testify against himself, nor be twice put in jeopardy for the same offence. Unnecessary rigor, excessive bail, excessive fines, and cruel and unusual punishments are forbidden. Offenses, other than murder and treason, shall be bailable, and the penal laws of the state shall be based upon the principle of reformation and not of vindictive justice. In libel suits, the truth of what is alleged to be libellous may be given in justification.

Neither personal services nor private property shall be taken for public use without just compensation. Debtors shall enjoy by law the exemption of a reasonable amount of property from seizure for debt, and there shall be no imprisonment for debt, except in cases of fraud.



The legislature is forbidden to grant individual or class privileges, titles of nobility, or hereditary distinctions ; or to pass *ex post facto* laws, or laws impairing the obligation of contracts. No law shall restrain the people from peaceably assembling for consultation, from instructing their representatives, or from petitioning the legislature for a redress of grievances. "Emigration from the state shall not be prohibited," nor shall the privileges of the writ of *habeas corpus* be suspended unless the public safety demands it.

"The people shall have a right to bear arms in defense of themselves and the state ;" "the military shall be kept in strict subordination to the civil power ;" and the quartering of soldiers in time of peace, without consent, is forbidden.

All laws must take effect in accordance with the provisions of the Constitution, and their operation must not be suspended except by authority of the legislature.

The definition of treason, the method of conviction for treason, and the effects of conviction, are borrowed from the Constitution of the United States. (Article III., Section III.)

Slavery is forbidden, and no involuntary servitude shall exist in the State except as a punishment for crime.

This bill of rights, you see, is a specific declaration of the rights which the people claim to be theirs, and which they intend their government to preserve. A few hundred years ago governments were thought by the governing class to exist for their own benefit ; but as a result of the political revolutions of the last two hundred

and fifty years, the people in nearly all civilized countries have made for themselves constitutions in which they set forth the rights that their governments must respect.

QUESTIONS ON THE PREAMBLE AND BILL OF RIGHTS.

1. For what purposes did the people form the Constitution of Indiana?

2. Name all the points in the bill of rights that have anything to do with religion.

3. What rights are guaranteed to persons accused of crime?

4. What shall be the basis of the penal laws of the state?

5. What are penal laws? What is meant by "vindicative justice?"

6. How may a person who is charged with libel justify himself?

7. What rights are guaranteed to debtors?

8. What privileges, titles, and distinctions is the legislature forbidden to grant?

9. For what purposes shall the people always have the right to assemble?

10. What is said about emigration?

11. What is said about the writ of *habeas corpus*?

12. What are the points of the bill of rights that have reference to military matters?

13. How must all laws be carried into effect? How may they be suspended?

14. Where did the framers of this Constitution get their definition of treason? State it. How is a person to be convicted of treason? Results of conviction?



15. What is said about slavery and involuntary servitude?

16. How long since the people began to put bills of rights into their constitutions?

#### SUGGESTIVE TOPICS.

1. Origin and meaning of "preamble."

2. In what senses are all men not equal? In what sense equal?

3. Is there any State in the United States that has established a creed or church? Why? What is a creed?

4. Is there any country in Europe in which the church is established by the government?

5. Is there a bill of rights in the Constitution of the United States? If so, in what part?

6. What points in this bill of rights were taken from the Declaration of Independence? What from the Ordinance of 1787? What from the Constitution of the United States? (See Old South Leaflets, Nos. 1, 3 and 13).

7. Was there ever any attempt made to legalize slavery in the State of Indiana? If so, why did it not succeed? (See Dunn's History of Indiana; North American Review, April, 1876; Indiana School Journal, May, 1886, pp. 242, 243).

#### TOPIC FOR DISCUSSION.

*Resolved*, That no part of the public funds should ever be used for education except in the public schools.

## CHAPTER III.

### ARTICLE II. SUFFRAGE AND ELECTION.

In all governments in which the will of the people is the law, there must be some method of definitely determining what their will is. The method used is called *voting*. A vote may be taken by ayes and noes, by the holding up of hands, or by the written or printed ballot. In most of the States of the Union the ballot has been used from their organization as independent commonwealths, while it is but little more than twenty years ago (1872) that England adopted the ballot and ceased to conduct elections by the primitive modes.

**Freedom of Elections.**—"All elections shall be free and equal."

**Qualifications of Voters.**—Voters must be male citizens of the United States, twenty-one years of age, and have resided in the state six months, in the county sixty days, and in the ward or precinct thirty days immediately preceding the election.

Males of foreign birth who are not citizens, but who have resided in the United States one year, may vote if they have declared their intention to become citizens, and possess the other qualifications named above.

No soldier, sailor, or marine, in the army or navy of the United States or their allies, shall, in consequence of having been stationed in the State, be considered as having gained a residence with the right to vote.

No person shall be deemed to have lost his residence in the State by reason of absence on business for the State or for the United States.

A voter may be disfranchised for the commission of an infamous crime.

Voters are free from arrest while going to or from elections, except for treason, felony, or breach of the peace.

*Note.*—Negroes and mulattoes were forbidden to vote, by section 5 of this article. But this was stricken out March 24, 1881.

**Disqualifications for Office.**—Bribery, threat, or promise of reward to procure election; giving or accepting a challenge to fight a duel; or conviction of an infamous crime, bar the offender from office. The holding of a lucrative office under the United States or this State excludes the holder from a seat in the General Assembly; and no one can hold more than one lucrative office at the same time, except that officers in the militia, without annual salaries, and deputy post-masters receiving not more than ninety dollars a year, are eligible; and in counties with less than one thousand polls, the offices of clerk, recorder, and auditor, or any two of them, may be conferred upon the same person.

Failure to account for and pay over public funds, for which one may be liable, is also a disqualification.

**Manner of Election.**—All elections by the people must be by ballot; all by the General Assembly must be *viva voce*.

**Time of Elections.**—*General elections*, on the Tuesday after the first Monday in November; *local elections*, at

such times as may be determined by law. The General Assembly may provide for the election of all judges of general and appellate jurisdiction at a time when no other officers are voted for.

*Note 1.*—The Constitution as adopted in 1851 set the time of the general election at the second Tuesday in October. Amended as above March 24, 1881.

*Note 2.*—In 1889 the General Assembly enacted what is known as the Australian, or secret ballot, system of election.

#### QUESTIONS ON SUFFRAGE AND ELECTION.

1. What is the purpose of voting?
2. In what ways may a vote be taken?
3. When was the written or printed ballot adopted in this country? When in England?
4. What is meant by elections being free and equal?
5. What qualifications must a voter possess?
6. Under what conditions may a person not an American citizen vote?
7. Why may not soldiers, sailors or marines stationed in Indiana have the right to vote in Indiana?
8. Why do not citizens of this state absent on governmental business lose their right to vote in the state?
9. For what may a voter be disfranchised? What does this mean?
10. For what crimes may voters be arrested on the way to or from the polls? Why free from arrest for other crimes?
11. When was the prohibition of negro suffrage removed from the Constitution? Why was this done?

12. What causes will shut a man out from public office? Are these sufficient causes?

13. Why should not a member of the State Legislature hold a paying state or national office?

14. Why should not the same man hold more than one office at a time? What exceptions to this? Why?

15. In what way must the people vote in all elections? Why so?

16. In what way must all voting be done in the Legislature? Explain what is meant by *viva voce*.

17. What is the present time of holding all general elections? When and how was the change made?

18. What determines the time of local elections?

19. For what officers may special elections be held? What reason can you give for this?

20. When was the Australian ballot system adopted in Indiana?

#### SUGGESTIVE TOPICS.

1. Have elections always been free in all parts of this country? What exceptions can you name?

2. Is it wise to permit foreigners who are not citizens to vote? Why?

3. What is meant by the word "alien?" What probably actuated the framers of the Constitution to permit aliens to vote?

4. What reasons can be urged why women should vote on the same terms as men? Can you give any good reasons why they should not?

5. Did negroes and mulattoes have the right to vote in this State before 1881? Be sure you are right, and give a reason for your answer. (See Fif-

teenth Amendment to the Constitution of the United States. Its date?)

6. What determines the time of our general elections? Did the Legislature make the change?

7. Why was the time of the general election changed from October to November?

8. Explain clearly the difference between general and local elections.

9. Explain the Australian ballot system. (See Dole's "American Citizen," p. 118; or Fiske's "Civil Government in the United States," pp. 265, 347).

10. Why did Indiana adopt this system?

11. What are the arguments for and against the system?

#### TOPIC FOR DISCUSSION.

*Resolved*, That no person who shall attain the age of 21 after the year 1900, shall be allowed to vote unless he can read intelligibly and write legibly.



## CHAPTER IV.

### ARTICLE III. DISTRIBUTION OF POWERS.

“The powers of the government are divided into three separate departments: The Legislative, the Executive (including the Administrative), and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another, except as in this Constitution expressly provided.”

In despotic governments the laws are made, cases decided under them, and the penalty for their violation inflicted, by the authority of a single person. To prevent the tyranny possible under such a system, the people of the most civilized countries in modern times have separated the three functions of government from each other, and have placed them in the hands of different individuals or bodies of men. In this way each is made to serve as a check against any unwise, unjust, or illegal action of the others. Observe how careful the framers of this Constitution were to say that “no person charged with official duties under one of these departments shall exercise any of the functions of another,” except as expressly provided for in the Constitution. The framers of the Constitution of the United States were equally careful, and we find in that document the same three-fold division of the powers of government.



## QUESTIONS ON ARTICLE III.

1. Into how many departments is the government of Indiana divided? What are they called?
2. What is the special function of each department?
3. What is the reason for this division?
4. Compare this distribution of powers with that in the United States Government.

## SUGGESTIVE TOPICS.

1. What do we call a government in which all the powers are vested in the same person?
2. Name some such governments.
3. Is it possible for a despotic ruler to be so tyrannical in these days as in former times? Why? Give some illustrations to prove what you say.
4. See if you can find in the duties of the Governor and of the Senate any of the exceptions to this article, provided for by the Constitution.
5. What city and county officers are also exceptions, and in what cases?

## TOPIC FOR DISCUSSION.

*Resolved*, That members of the executive department should be allowed to participate in the discussions of the legislative department. (See Bryce's "American Commonwealth," vol. I., chapter xxi., p. 212; Fiske's Critical Period, pp. 289-300, and his Civil Government in the United States, 168, *et seq.*)

## CHAPTER V.

### ARTICLE IV. LEGISLATIVE DEPARTMENT.

“The legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be, ‘Be it enacted by the General Assembly of the State of Indiana,’ and no law shall be enacted except by bill.”

Every State in the Union requires its legislative body to consist of two branches. In this the State Legislatures are like the Congress of the United States. Before the present Constitution of the United States was adopted, Congress consisted of but a single body. The States of Pennsylvania and Georgia, when they organized as independent States at the beginning of the Revolution, had legislatures of but one house. Soon after Congress was made to consist of two houses, these two States adopted the same system. A legislative body consisting of two houses is called a bi-cameral legislature; if it consists of a single house it is said to be uni-cameral.

#### THE SENATE.

**Number.**—The number of senators shall not exceed fifty.

**How chosen.**—By the electors (voters) of the senatorial districts into which the State may be divided. But no county, for senatorial purposes, shall ever be divided.

**Term of Service.**—Four years. The senators were, at the second session of the Assembly after the adoption of

this Constitution, divided by lot into two equal classes, and the seats of the first-class were vacated in two years, and those of the second in four years, so that one-half should be chosen biennially.

**Qualifications.**—A senator must be a citizen of the United States, must have been an inhabitant of the State two years next preceding his election, one year an inhabitant of the district from which he is chosen, and must be at least twenty-five years old.

**Time of Election.**—One-half of the senators are elected at the time of the general election in each even-numbered year.

**Presiding Officer.**—The Lieutenant-Governor is President of the Senate.

**Impeachment Trials.**—When a State officer has been impeached by the House of Representatives, the Senate sits as a court to try the case.

#### THE HOUSE OF REPRESENTATIVES.

**Number.**—The number of representatives shall not exceed one hundred.

**How chosen.**—By the electors of the representative districts. These districts may consist of one or more counties, but in case there are two or more counties in a district they must be contiguous.

**Term.**—Two years.

**Qualifications.**—Same as for senators, except that the minimum age of representatives is twenty-one years.

**Time of Election.**—All members of the House are chosen at the time of the general election each even year (1892, 1894, etc.)

**Presiding Officer.**—The House of Representatives chooses one of its own members to preside. He is called the Speaker of the House.

**Impeachments.**—The House of Representatives has the sole power of impeaching State officers.

#### APPORTIONMENT.

The Constitution requires that every six years, beginning at its second session after the adoption of the Constitution, the General Assembly shall cause an enumeration to be made of all male inhabitants over the age of twenty-one years; and that, at the session next following the time of each enumeration, the senators and representatives shall be apportioned among the counties according to the number of male inhabitants, above twenty-one years of age, in each. For this purpose the counties are grouped into fifty senatorial, and one hundred representative districts.

#### GENERAL PROVISIONS.

**Sessions.**—*Regular.* The General Assembly meets regularly on the Thursday next after the first Monday in January of each odd year (1893, 1895, etc.) *Special.* When, in the opinion of the Governor, the public welfare requires it, he may call a special session.

**Length of Sessions.**—Regular sessions, not longer than sixty-one days; special sessions, not beyond forty days.

An amendment to the Constitution has been proposed, providing that regular sessions may continue one hundred days, and special sessions sixty days.

**Quorum.**—Two-thirds of each house is a quorum to do business.

**Powers and Duties of each House.**—Each house shall choose its own officers (President of the Senate excepted); judge of the election, returns, and qualifications of its own members; make its own rules; determine its own adjournment; may punish its own members, and others, for disorderly conduct; shall keep a journal of its proceedings; may sit with closed doors when its business requires secrecy.

**Compensation.**—The pay of members shall be determined by law; but no increase shall take effect during the session at which the increase may be made; and in case either house fails to effect an organization within five days after a quorum is present, its members shall be entitled to no compensation until an organization shall be effected.

**Law-making.**—“No law shall be enacted but by bill.” Bills may originate in either house, but may be amended or rejected by the other, except that bills for raising revenue shall originate in the House of Representatives. Bills must be read by sections on three several days in each house, unless by a two-thirds vote it be dispensed with, but on its final passage every bill must be read by sections. No bill shall embrace more than one subject, and the subject shall be expressed in the title. Every act and joint resolution shall be plainly stated, and be as free as possible from the use of technical terms. No act shall be amended or revised merely by reference to its title. A majority of the members elected to each house shall be necessary to pass every bill or joint resolution, and when so passed the bill shall be signed by the presiding officer and presented to the Governor; if approved



by him, he signs it, and it becomes a law. But if not, he shall return it, with his objections, to the house in which it originated, where the objections shall be entered upon the journal, and the bill be reconsidered. If a majority still favor the bill, it shall be forwarded with the Governor's objections to the other house. If a majority of its members still approve the bill, it becomes a law. Should the Governor fail to return a bill within three days, Sunday excepted, it becomes a law without his signature, unless the adjournment of the legislature shall prevent its return. In this case it becomes a law unless the Governor, within five days, shall file the bill and his objections with the Secretary of State, who shall bring it before the Assembly at its next session. No bill shall be presented to the Governor within two days of final adjournment

No law shall take effect until published and circulated in the several counties of the State, by authority, except in case of emergency; which emergency shall be declared in the law itself.

**Prohibitions.**—I. *Upon the Assembly.* It shall not pass local or special laws relating to, (*a*) the jurisdiction and duties of justices of the peace and constables; (*b*) the practice in the courts; (*c*) change of venue; (*d*) divorces; (*e*) changing names of persons; (*f*) laying out or vacating roads or vacating town plats, streets, alleys, and public squares; (*g*) the regulation of county and township business; (*h*) the election of county and township officers; (*i*) the assessment and collection of taxes, the support of the common schools, and the preservation of the school fund; (*j*) fees or salaries, or the interest

on money; (*k*) the conduct of elections and the designation of voting places; (*l*) or for the sale of real estate, belonging to minors or others laboring under disabilities, by executors, administrators, guardians, or trustees. But in all these cases, and in all others, where practicable, the laws shall be general and of uniform application.

2. *Upon Members.* No member of either house shall, during the term for which he was elected, be eligible to any office to be filled by the Assembly, nor shall he be appointed to any civil office of profit which has been created, or the pay of which has been increased during such term, unless the office be elective by the people.

No member shall receive an increase of compensation during the session at which such increase was made.

**Privileges of Members.**—Members are privileged from arrest during sessions of the Assembly, and in going to and returning from the same, except for treason, felony, and breach of the peace. They shall not be subject to any civil process during the session, nor during the fifteen days next preceding the beginning of the same; nor shall they be questioned in any other place for any speech or debate in either house. Any member of either house has the right of protest, and to have his protest, with his reasons, entered on the journal.

#### QUESTIONS ON ARTICLE IV.

1. What is the name of the legislative body of Indiana? Of what does the legislature consist?

2. What is a bi-cameral legislature? A uni-cameral legislature? Origin and meaning of these terms?

3. When did the United States Congress cease to be a uni-cameral body?

4. What is the limit to the number of members in the Senate? Has that limit been reached?

5. How are senators chosen? How many senatorial districts are there in the state? How many counties?

6. For how long a term are senators elected? How were the senators divided soon after the adoption of this constitution?

7. What are the qualifications required of a senator?

8. When are senators elected? How many are chosen every two years?

9. Who is the presiding officer of the Senate? Does the Senate elect its own president? Who does elect him?

10. What part does the Senate take in a case of impeachment?

11. What is the limit to the number of representatives? Has the limit been reached?

12. How are representatives chosen?

13. What is required in case a representative district consists of more than one county?

14. For how long a term are representatives chosen?

15. What are the qualifications required of representatives?

16. Compare the time of choosing representatives with that of choosing senators.

17. Who presides over the House of Representatives? How chosen?

18. What part does the House have in a case of impeachment?



19. On what basis are senators and representatives apportioned among the counties?

20. How is this basis determined? How often?

21. When and how often do the regular sessions of the General Assembly meet? The special sessions?

22. What is the length of sessions? What change has been proposed?

23. What constitutes a quorum in each house?

24. What are the chief powers and duties of the two houses?

25. What are the provisions concerning the pay of members?

26. Trace the steps by which a bill becomes a law.

27. How may the Governor prevent a bill from becoming a law? What is this power of the Governor called? Is it absolute?

28. What is required before a new law shall take effect?

29. What are the chief prohibitions upon the General Assembly? Upon members?

30. What are the privileges of members?

#### SUGGESTIVE TOPICS.

1. What are the advantages of the bi-cameral system?

2. Why are the senators divided into two classes? Why are not the representatives?

3. What is a gerrymander? How is it accomplished? Its purpose? Is it right? (See Dole's American Citizen, p. 69).

4. Origin of the term gerrymander? (See Lossing's Cyclopedia of U.S. History, or an unabridged dictionary).

5. Who is state senator from your district? What counties compose your senatorial district?

6. What is meant by impeachment?

7. Who is the representative from your district? What counties compose your representative district?

8. Why is the term of representatives shorter than that of senators?

9. Contrast the basis of representation in the Legislature, with that in the U. S. Congress. Can you see any good reason for the difference? (See Art. I., Section II. of the U. S. Constitution).

10. Contrast the number required for a quorum in the Legislature with that required in Congress. (See Art. I., Sec. V., U. S. Constitution).

11. Why withhold pay from members until their houses are organized?

12. Why should the Governor have the veto power? Why should not his veto be absolute?

13. Why should members of the Legislature be free from arrest and civil process during sessions?

14. What is meant by civil process, as used in this connection?

15. Why except treason, etc., from the exemption?

16. What is meant by the right of protest?

#### TOPIC FOR DISCUSSION.

*Resolved*, That the regular sessions of the Legislature should be extended to one hundred days; or,

*Resolved*, That the length of the sessions of the Legislature should not be increased.

## CHAPTER VI.

### ARTICLE V. THE EXECUTIVE DEPARTMENT.

**In Whom Vested.** — The executive powers of the State are vested in a Governor. There is also a Lieutenant-Governor.

**Term.** — Both Governor and Lieutenant-Governor hold office during four years. Their official term begins on the second Monday in January, every fourth year (1893, 1897, etc.)

**Election.** — Governor and Lieutenant-Governor are chosen by the qualified electors of the state, at the times and places of choosing members of the General Assembly. Returns of such election must be sealed up and sent to the Speaker of the House of Representatives at the capital. He shall open and publish them in the presence of both houses. In case two or more persons have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant-Governor, as the case may be. Contested elections for either office shall be determined by the General Assembly according to law.

*Note.* — On contested elections, see Revised Statutes, 1881, sections 4743–4746.

**Qualifications.** — The qualifications for Governor and Lieutenant-Governor are the same, and are as follows:

Five years a citizen of the United States; five years a resident of the state immediately preceding election; and thirty years of age. No member of Congress, nor any officer under the United States, is eligible to either office; nor is Governor or Lieutenant-Governor eligible to any other office during the term for which he was elected.

**Vacancy.**—(*a*) *In office of Governor.* When for any reason the Governor cannot discharge the duties of his office, the same shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the case of removal, for any reason, of both Governor and Lieutenant-Governor, declaring what officer shall serve as Governor, and he shall act accordingly until the disability be removed, or a Governor be elected.

*Note.*—For the provision made by the General Assembly, see Revised Statutes, 1881, section 5559.

(*b*) *Of Lieutenant-Governor.* Whenever the Lieutenant-Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

**Powers and Duties.**—(*a*) *Of the Governor.* He shall be commander-in-chief of the military and naval forces of the State; shall give information to the General Assembly concerning the condition of the State, and recommend such measures as he deems expedient. He signs or vetoes bills passed by the Assembly; transacts all necessary business with the officers of the government, and may require information in writing from any of the administrative officers of the State on any subject relating to their offices, and must see that all the laws are

faithfully executed. He has power to grant reprieves, commutations, and pardons for all offences except treason and cases of impeachment, and may remit fines and forfeitures, subject to regulations which may be prescribed by law; but he must report all such cases to the General Assembly. The Assembly may, however, constitute a council, without whose consent no pardon shall be granted, except in cases that may, by law, be left to the Governor's sole power. He shall, during the recess of the Assembly, fill vacancies in all offices the appointment to which is vested in the Assembly; and at any time when vacancies occur in any state office, or in the office of judge of any court, he shall fill the same by appointment, which shall expire when a successor shall have been elected and qualified. When vacancies occur in the General Assembly, he shall issue writs of election to fill them. Should it be dangerous for the Assembly to meet at the capital, he may convene it at any other place.

(b) *Of the Lieutenant-Governor.* He shall preside over the Senate, and may have the right when in committee of the whole to join in debate, and vote on all subjects. He shall, in all cases of a tie, give the casting vote.

**Compensation.**—The compensation of Governor is fixed by law, and shall be neither increased nor decreased during the term for which he is elected.

The Lieutenant-Governor, as President of the Senate, shall receive the same compensation as the Speaker of the House of Representatives; and when acting as Governor, he shall receive the Governor's salary. (See Table of State Officers and Salaries, pp. 113, 114).

## QUESTIONS ON ARTICLE V.

1. Who is responsible for the execution of the laws of Indiana ?

2. What is the length of the Governor's term ? When does it begin ?

3. Is the Lieutenant - Governor an executive, or a legislative officer ?

4. When and by whom are Governor and Lieutenant - Governor chosen ?

5. In case the voters fail to give the requisite majority, how is their election determined ?

6. What are the requisite qualifications for Governor and Lieutenant - Governor ?

7. How is a vacancy of the governorship filled ? How, if Governor and Lieutenant - Governor should both be removed ?

8. How is a vacancy in the office of Lieutenant - Governor filled ?

9. State the chief powers and duties of the Governor. What is the most important one ?

10. What are the duties of the Lieutenant - Governor ?

11. What is the pay of the Governor ? How is it determined ?

12. What is the pay of the Lieutenant - Governor ?

## SUGGESTIVE TOPICS.

1. What is meant by a contested election ?

2. Why require of Governor and Lieutenant - Governor the same qualifications ?

3. Why should the Lieutenant - Governor receive a salary besides his daily wages for presiding over the Senate ?



4. What is the difference between a reprieve and a pardon?
5. What is meant by a commutation?
6. What is the difference between a fine and a forfeiture?
7. What is meant by a writ of election?
8. Who is Governor, and who Lieutenant-Governor of Indiana at the present time?

## TOPIC FOR DISCUSSION.

*Resolved*, That no person who has not been ten years a citizen of the United States should be eligible to the office of Governor or Lieutenant-Governor; or,

*Resolved*, that none but native citizens should be eligible to the office of Governor or Lieutenant-Governor.



## CHAPTER VII.

### ARTICLE VI. ADMINISTRATIVE.

The Constitution provides for the election, by the voters of the State, of certain state officers ; by the voters of the counties, of certain county officers ; by the voters of the townships, of certain township officers ; and by the voters of the towns and cities, of certain town and city officers, for administering their respective governments. The duties of all these officers are prescribed by law. The following details, concerning the various phases of administration, are therefore obtained from the statutes, or laws, of the State, and not from the Constitution.

Besides the officers named in the Constitution, for whose election or appointment it provides, provision is made for the election or appointment by law of such others as may be necessary to properly carry on the government.

The administrative department is a branch of the executive.

#### STATE OFFICERS.

##### *Elected by the Voters of the State.*

**Secretary of State.**—The Secretary of State holds his office for two years. It is his duty to keep the laws passed by the Assembly, to publish and disseminate the same, and to preserve all reports, papers, and records required by law to be filed in his office. He attests and seals commissions, pardons, etc., issued by the Governor.

**Auditor of State.**—His term is two years. His duties pertain chiefly to the accounts of the State with the counties, with other States, with the United States, or with persons or corporations doing business with the State.

**Treasurer of State.**—He holds for a term of two years, and has charge of the public money of the State.

*Note.*—The Secretary, Auditor, and Treasurer are ineligible for more than two terms in succession.

**State Superintendent of Public Instruction.**—His term of office is two years, with no time limit as to eligibility. He is charged with the educational affairs of the State, looks after the proper application of the school fund, and reports biennially to the Governor and Assembly the condition of education in the State.

**State Geologist.**—His term is four years. He is charged with the geological and scientific survey of the State, the discovering and developing of its natural resources, and with disseminating information in regard to its agricultural, mining, and manufacturing advantages. He appoints an Inspector of Mines, an Inspector of Mineral Oils, and an Inspector of Natural Gas. It is also his duty to have the custody of the battle-flags of the Indiana regiments in the Civil War.

**State Statistician.**—Called also Chief of the Bureau of Statistics. Term, two years. It is his duty to collect and publish, biennially, reports of statistical information concerning agriculture, manufacturing, mining, commerce, education, labor, marriage and divorce, births and deaths, sanitary conditions, and various other industrial and social matters.

**Attorney-General.**—Term, two years. His duties are connected with the administrative and judicial departments of the State. He assists the executive and administrative officers by giving them legal opinions. He collects fees, fines, forfeitures, and escheats belonging to the State, and prosecutes or defends, as the case may be, all suits to which the State may be a party.

*Elected by the General Assembly.*

**State Librarian.**—The official term of the Librarian is two years. His chief duty is to have the care of the State library.

*Appointments by the Governor.*

**Boards of Directors** of the State prisons, and the hospitals for the insane, and the schools for educating deaf-mutes and the blind.

**Boards of Trustees** for the State University, Purdue University, the State Normal School, the Women's Reformatory, the Reform School for Boys, the Soldiers' and Sailors' Orphans' Home, and the School for Feeble-minded Youth.

**A Custodian of Public Buildings**, whose term of office is four years, and whose duty it is to care for the State House, its furniture, and its grounds.

**A Commissioner of Fisheries**, for a term of two years, whose duty it is to provide for the propagation and protection of valuable varieties of fish in the streams and lakes of the State.

**Notaries Public**, for the several counties of the State, who hold for a term of four years.

**Officers of the State Militia**, above and including the rank of colonel.

**Metropolitan State Police Commissioners.**—Three Commissioners are to be appointed for each city of ten thousand and not exceeding thirty-five thousand inhabitants. Their term is for three years, one retiring annually. Their duty is to have supervision of police matters of their cities, and to appoint and remove police officers.

*Removals by the Governor.*

The Governor has power to remove any officer appointed by him, for incompetency, for official wrongdoing, or for any other just cause; but he must furnish to the officer, at the time of such removal, a statement of the cause, or causes, for which he is removed.

STATE BOARDS.

There are, provided by law, certain boards and commissions whose duties are chiefly administrative. The following are the most important:

**State Board of Health**, consisting of five members, four of whom are appointed by a Board of Appointment, consisting of the Governor, Secretary of State, and Auditor of State. The fifth is elected by the other four and is the secretary of the board. He must be a physician, and is the Health Officer of the State.

*Note.*—Local boards of health are provided for.

**State Agricultural and Industrial Board**, consisting of fifteen members, not more than eight of whom can be of the same political party. They are chosen by the Board of Appointment named above. Four of the members represent the interests of agriculture; three, those of the mechanical industries; one, those of art; four, stock-breeding, and three, commercial interests. They have

the management of the State Fair, and a general supervision of the industrial interests of the State.

**State Board of Education.**—This board consists of the Governor, the State Superintendent of Public Instruction, the presidents, respectively, of the State University, Purdue University, and the State Normal School, together with the school superintendents of the three largest cities of the State as determined by the enumeration of school children. They are empowered to adopt such rules and regulations for the practical administration of the school system of the State as they deem advisable, provided such rules and regulations do not conflict with the laws of the State. They examine teachers for State licenses, and prepare questions for the examination of teachers in all the counties of the State. They are also constituted a Board of School Book Commissioners, to provide suitable text-books for the common schools of the State.

**State Board of Tax Commissioners.**—The members of this board are the Governor, Auditor, and Secretary of State, *ex officio*, and two other persons of different political parties appointed by the Governor for four years. They meet annually to assess railroads and other corporation property; and each year that real estate is assessed they equalize the same.

**Board of State Charities.**—This board was created by the General Assembly in 1889. It consists of six members, appointed by the Governor for a term of three years, one-third retiring annually. They elect a secretary, who devotes his entire time to the work of the board. The Governor is *ex officio* president of the board.



It is their duty to visit and inspect all the charitable, penal, and reformatory institutions of the State, and report annually to the Governor and the General Assembly, making such recommendations as they may deem necessary.

**Commissioners of Public Printing.**—The Governor, the Secretary of State, and the Auditor of State, are, by law, constituted a commission to have charge of the public printing, binding, and stationery. They appoint an expert in the business of printing and binding who shall, under direction of the commissioners, have charge of the Bureau of Public Printing, Binding, and Stationery in the office of the Secretary of State.

#### QUESTIONS ON THE STATE OFFICERS.

1. Name the State officers that are elected by the people.
2. Length of term of each?
3. Which cannot hold more than two terms in succession? Which not eligible to re-election?
4. What are the duties of the Secretary of State?
5. What are the duties of the Auditor of State?
6. What are the duties of the Treasurer of State?
7. What are the duties of the Superintendent of Public Instruction?
8. What is required of the State Geologist? What appointments does he make?
9. What other name for State Statistician? What are his duties?
10. What are the duties of the Attorney-General?
11. Name the officer elected by the General Assembly.

12. Term and duties of the State Librarian?
13. What appointments are made by the Governor?
14. Term and duties of the Custodian of Public Buildings?
15. What are the duties of the Commissioner of Fisheries? Of the Metropolitan Police Commissioners?
16. Name the different State Boards.
17. Number of members in the State Board of Health? How are they appointed?
18. Who is the Chief Health Officer of the State?
19. Number of members in the State Agricultural and Industrial Board? Classify them. How are they appointed? Their duties?
20. How many members in the State Board of Education? Who compose this Board? How do they get their places in the board?
21. What are the duties of the State Board of Education?
22. Who compose the State Board of Tax Commissioners? Their duties?
23. How is the Board of State Charities composed? Term of members? Who presides at its meetings?
24. What are the duties of this board? Is the secretary one of its members? What are his duties?
25. Who are the Commissioners of Public Printing? What are their duties? Who really performs these duties?

#### SUGGESTIVE TOPICS.

1. How could you get a copy of the Report of the Superintendent of Public Instruction, State Geologist, State Statistician, or Commissioner of Fisheries?



2. Of what value would these reports be to your school library?
3. Find out the names of the present State officers who are elected by the voters of the State.
4. What are the duties of notaries public?
5. What is the difference between real estate and personal property?
6. What is it to assess property? Why is it assessed?
7. How often is real estate assessed? Personal property?
8. What is meant by making a board non-partisan?
9. What reasons can you give why there should be added to the State Board of Education one or more representatives of the County Superintendents? Any reasons for opposing this?

## TOPIC FOR DISCUSSION.

*Resolved*, That the appointing power of the Governor should be limited by the consent of the Senate.

## COUNTY OFFICERS.

*Elected by the Voters.*

**Clerk of Circuit Court.**—His term of office is four years. He can serve no more than eight years in any period of twelve. For his duties, see "Officers of Circuit Court," under Judicial Department.

**Auditor.**—Term, four years. Eligible but eight years in any twelve. He is clerk of the Board of County Commissioners, makes out the tax duplicate for the treasurer, has charge of the public school fund of the county, records transfers of real estate, furnishes poll-books and elec-

tion-blanks to Election Boards, reports to the Auditor of State the number of male inhabitants of the county over twenty-one years old, and makes a statistical report to the State Bureau of Statistics.

**Recorder.**—Term, four years. Eligible but eight years in any period of twelve. He keeps the records of deeds, mortgages, indentures, articles of incorporation, town plats, maps, etc.

**Treasurer.**—Term, two years. Eligible but four years in any period of six. He receives and has charge of all county funds, and pays out the same on the Auditor's order. He must settle annually with the County Commissioners and with the Auditor. State taxes are collected through the County Treasurer, and twice each year he pays to the State Treasurer the money due the State from his county.

**Sheriff.**—Term, two years. He is eligible but four years in any six. He is the executive officer of the Circuit Court, and if superior or criminal courts are held in his county he serves them also. He has charge of the county jail, and is responsible for the safe keeping of prisoners held by him. He publishes the clerk's notices of elections, and is the peace officer of the county. In cases when the Sheriff is interested, or is unable from any cause to serve, it is the duty of the Coroner to act in his place until the disability is removed or a Sheriff is elected. If the Sheriff is to be arrested, the Coroner serves the warrant, and while the Sheriff is confined in jail, the Coroner has charge of the jail and its prisoners.

**Coroner.**—Term, two years. His duty is to hold inquests upon the dead bodies of persons supposed

to have died by violence or in any unnatural manner. His verdict is filed with the Clerk of the Circuit Court, and is published in a newspaper.

**Surveyor.**—Term, two years. His duty is to make surveys, and to establish lines and corners for persons owning land in the county who may call upon him for such service. His surveys must be recorded in a book kept for the purpose.

**County Commissioners.**—Each county is divided into three districts, in each of which a commissioner is elected by vote of the entire county. The term of office is three years, but so arranged that only one commissioner takes his place each year. Their duties are legislative and executive, or administrative, and may be judicial. They provide for the care of the poor of the county, fix the rates of taxation, and make appropriations of money from the county treasury. They have general charge of county roads and bridges, have the care of all county buildings, and keep them in repair or build new ones. They fix the bond of the Clerk of the Circuit Court, and make settlement annually with the County Treasurer. They may appoint, under certain conditions, justices of the peace, and may dismiss a County Superintendent for cause. In case of a contested election for county or township officers, they may sit as a court to try the case. They are, *ex officio*, the County Board of Health.

**Assessor.**—Term, four years, and not eligible for reëlection more than once in any term of eight years. He is supervisor of the work of township assessors, and may list and assess any omitted property, which, by examina-

tion of any of the county records, he may discover that ought to be assessed. The Assessor, Auditor, and Treasurer constitute a County Board of Review, or Equalization.

*Elected by the Township Trustees.*

**County Superintendent of Schools.**—Term, two years, with no time limit as to reëligibility. He is charged with the supervision of the common schools of the county. He examines and licenses teachers, and may revoke a license for cause. He visits all public schools of the county at least once a year, holds and conducts the county institute, attends each township institute at least once a year, and hears cases of a general nature arising under the school law in his county; but appeals may be taken from his decision to the State Superintendent. It is his duty to grade the county schools, and he may arrange a course of study. He receives annually from trustees of townships, towns, and cities, an enumeration of the children of school age (between six and twenty-one years), and sends this enumeration, and other school statistics, to the State Superintendent of Public Instruction, and to the Chief of Bureau of Statistics. He presides at all meetings of the County Board of Education, except when it sits for the election of County Superintendent, at which time the County Auditor, in whose office they meet for the purpose, serves as Clerk and gives the casting vote in case of a tie. He is the instrument for carrying out in the county the orders of the State Board of Education and the State Superintendent.

**Qualifications.**—All county officers must be voters in their respective counties, and must have resided in the county one year immediately preceding election.

QUESTIONS ON COUNTY OFFICERS.

1. Name the county officers who are elected by the voters.
2. Name those whose eligibility is limited. State the limitations.
3. What are the duties of the Auditor?
4. What are the duties of the Recorder?
5. What are the duties of the Treasurer?
6. What are the duties of the Sheriff?
7. What are the duties of the Coroner?
8. What are the duties of the Surveyor?
9. Term of County Commissioners? How elected?  
What are the arrangements for taking their places?
10. What classes of duties do the Commissioners perform?
11. Name the legislative duties of the Commissioners.
12. Name their executive duties.
13. Name their judicial duties.
14. What are the duties of the Assessor?
15. Who compose the County Board of Equalization?  
What is meant by this?
16. Term of the County Superintendent of Schools?  
How many terms may he serve?
17. What are the duties of the County Superintendent?  
How is he chosen?
18. What are the qualifications required of county officers?



## SUGGESTIVE TOPICS.

1. What reasons can you give why the County Commissioners have duties in all three of the departments of government?

2. Give all the reasons you can why the County Superintendent of Schools should be elected by the voters.

3. Give all the reasons you can why his election should remain as it is.

4. Would it be wise to have also a Township Superintendent of Schools?

5. Can persons over twenty-one years of age attend the public schools? If so, under what conditions?

6. County Board of Education (see p. 80).

7. How many members has it in your county?

8. Find out who fills each of the county offices at this time in your county, and make a list of their names.

9. What provisions are there for securing honesty and accuracy in the work of the County Treasurer?

10. If a new court house should be needed in your county, who would let the contract for building it?

## TOPIC FOR DISCUSSION.

*Resolved*, That County Commissioners should not have authority to expend more than fifty thousand dollars for any one purpose without consent of a majority of the taxpayers of the county.

## TOWNSHIP OFFICERS.

**Township Trustee.** — Elected by the voters of the township for four years, and is ineligible but four years in any eight. It is his duty to have charge of the poor of his township, to be inspector of all general and town-

ship elections, to furnish ballot-boxes to Election Boards, and to furnish said Boards with meals. He is charged with the care of school houses and other school property, is responsible for furnishing suitable school supplies, and employs teachers for the schools of the township. He levies taxes for school purposes, enumerates the children of school age in the township, and reports to the County Superintendent. He has general charge of the roads and bridges, appoints Road Supervisors, and directs them and School Directors in the performance of their duties.

**Township Assessor.**—Elected for four years, and is not eligible two terms in succession. It is his duty to list and assess all property, both real and personal, that is subject to taxation. The list of property, and its valuation when completed, must be returned to the County Auditor.

*Note.*—All public property of the United States, of this State, and of any county, city, town, or township; and all property used for educational, scientific, literary, charitable, or religious purposes, is exempt from taxation.

**Justice of the Peace.**—See Art. VII., Judicial Department.

**Constable.**—See as above.

**Road Supervisors.**—Townships are divided into road districts, and one supervisor for each is appointed by the Township Trustee. Term, four years. They execute the orders of the Township Trustee as to roads and bridges.

**School Directors.**—Townships are divided also into school districts, and one director is elected for each.



The School Directors have the care of the school property in their respective districts, and execute the orders of the Township Trustee with reference to the same.

**Time of Election.**—All township officers are elected at the time of the general election on the first Tuesday after the first Monday in November (1894, 1898, etc.) But the names of candidates for township offices are printed on separate, yellow ballots, and deposited in separate ballot boxes, also yellow.

**Removals.**—All State, county, and township officers may be impeached or removed according to law.

**Vacancies** in county and township offices are filled as provided by law.

#### TOWNS AND CITIES.

The complicated relations under which men live in crowded communities, demand a more elaborate system of government than is required for the county or the township. To meet such needs the General Assembly of the State has provided by law for the establishment of appropriate governments for towns and cities. When the population of a given area becomes too dense to be conveniently governed by laws which are sufficient for a scattered country neighborhood, the people may, under a general law of the State, incorporate themselves for the purpose of organizing a town government.

#### *Town Government.*

**Incorporation.**—The first step toward the incorporation of a town, is to have a surveyor trace the boundary lines of the proposed town, and draw an accurate plat, or map, of it. The voters living within the boundaries

surveyed, then hold an election to determine whether or not they will assume the new form of government. If they decide this question in the affirmative, the town plat is recorded in the County Recorder's office, and papers are filed with the proper county and state officers, which completes the legal steps in the process of incorporation.

**Organization.**—The next step is to organize the town government. An election is held for the choice of officers. The territory of the town having been divided into a number of districts,—which cannot be less than three, nor more than seven,—one representative is chosen from each district, but is elected by the voters of the town at large. These representatives constitute the Board of Trustees of the town, and are its legislative body. Their term of office is two years, but they are so classified that as nearly as possible one-half the number shall retire annually. The other officers elected by the town are a Clerk, a Treasurer, and a Marshal. The term of these officers is one year. The Clerk keeps the records of the meetings of the Board of Trustees, publishes the town ordinances, gives notices of elections, etc. The Treasurer has charge of the funds belonging to the town, and pays out the same by order of the Trustees. He is required to make an annual report to the Trustees, and to publish his report in the town. The duty of the Marshal is to see that the laws passed by the Trustees are enforced in the town. The Board of Trustees elect a School Board of three members, whose duty it is to have charge of the educational interests of the town. Their term is three years, one retiring annually.

A town has no judicial department, but violations of its ordinances are tried in a Justice's Court.

**Town Elections** are held annually on the first Monday in May, and must conform to the general election laws of the State.

### *City Government.*

When the population of a town has reached two thousand or more, the people may assume the still more complex form of *city* government, with a Mayor, a City Court, a Police Force, and other officers not required by a town. Cities are provided with departments for the performance of all the functions of government—legislative, executive and judicial. The provisions for the government of cities having a population less than thirty-five thousand are as follows:

**Legislative.**—The legislative power of a city government is vested in a Common Council. The city is like a little state; it is divided into representative districts called wards, in each of which the resident voters elect two members, who also reside in the ward, to represent them in the Council. The term of Councilmen is four years, but so arranged that one from each ward retires from office every two years. From this it will be seen, biennial elections for Councilmen must be held.

The City Council has power to pass laws, called ordinances, pertaining to the finances of the city, to the care and improvement of streets and public buildings, to the public health, and to the safety of the people and their property, and in cities with a population of less than ten thousand they provide for the appointment and organization of the police force.

The regular meetings of the Council must be held not less frequently than once each month, though special meetings may be called at any time. The Mayor is the presiding officer of the Council.

**Executive and Administrative.**—The chief executive officer is the Mayor. There are also a City Clerk, a Treasurer, a Marshal, and if the Council so orders, a City Auditor. These, including the Mayor, are elected by the voters of the city. Besides these there are a Civil Engineer, a Street Commissioner, a Chief of Fire Department, and a Health Officer, who are appointed by the Council, and are subject to removal at its pleasure.

The term of all officers is four years.

**Judicial.**—In small cities the Mayor serves as Judge of the City Court, commonly called the Police Court. If the Council deem it expedient, a City Attorney and a City Judge will be elected by the voters of the city, in which case the City Judge will hold the City Court. The City Attorney prosecutes and defends actions on behalf of the city, and is the legal adviser of the Council and the city officers. The Marshal is the executive officer of the City Court, as the Constable is of the Justice's Court.

### *Larger Cities.*

The General Assembly has passed acts classifying cities with a population above thirty-five thousand into three classes; first, those having a population greater than one hundred thousand; second, those having more than fifty thousand and less than one hundred thousand; and third, those having more than thirty-five thousand and less than forty-nine thousand.

The government provided for these cities is much more complex than that of the smaller ones. The number of officers elected by the people is less, and of those chosen by the Council or appointed by the Mayor is greater. The administrative departments are more numerous, and are nearly the same in the three classes. They are the departments of Finance, Law, Public Works, Public Safety, Collection (or Assessment and Collection), Public Health and Charities, and Water Works. The heads of these departments are all appointed by the Mayor, but the departments are subject to investigation, and their heads to impeachment by the Council.

In these cities only one Councilman is elected from each ward, but others are elected for the city at large by the voters of the entire city. In all these larger cities the Council chooses one of its own members to be president, and also one for president *pro tem*.

All ordinances passed by the Council must be presented to the Mayor for his approval or disapproval. If he approves, he signs; but, if he disapproves, he must, within ten days, return the ordinance with his objections—that is, his veto—in writing, to the City Clerk. If the Council now passes the ordinance again by a two-thirds vote, it becomes a law of the city notwithstanding the Mayor's veto.

**Metropolitan Police.**—In all cities of ten thousand inhabitants or more, there is a Board of Metropolitan Police, consisting of three commissioners, appointed by the Governor of the State. The law requires that they be men of “good moral character, sober and discreet,” who are citizens of the State, and who have resided in



the city at least five years next preceding their appointment. No more than two of them shall be of the same political party. Their term of office is three years, one retiring annually, but they are subject to removal by the Governor. It is the duty of these commissioners to appoint and supervise the police force of the city. They have power to remove policemen, but no appointment or removal shall be made for political reasons, or for any other reason than fitness or unfitness for the service.

**City Elections.**—In cities of one hundred thousand people the city election is held on the second Tuesday in October of the odd numbered years. In cities of from fifty to one hundred thousand, the election is held on the first Monday in April of the odd numbered years. In all other cities election day is the first Tuesday in May of the even numbered years.

### *The Problem of City Government.*

The rapid growth of cities is one of the marvels of our time. Within the memory of men and women now living in Indiana, there was no City of Indianapolis; and yet it has to-day more than one hundred thousand people. Other towns and cities of the State are making rapid growth. The number of people in towns and cities now is much greater in proportion to the number in the country, than ever before. While city life has many advantages, it has also disadvantages and dangers. The great increase of wealth and population in the cities makes necessary the expenditure of large sums of money by the city governments. This fact leads dishonest and designing men to seek offices in the cities, that will enable them in various



ways to plunder the public treasury. Such men, instead of enforcing the laws against the vicious classes, especially such as are able to bribe them, accept a share of their money, and let them go free, thus becoming secretly law breakers themselves. Because of the dishonesty and incompetency of some city officials the expenses of the city government are largely increased, and great city debts are heaped up for which the people must be taxed. This evil tendency in the great cities, and in some smaller ones, reveals a serious problem in city government. Indiana cities are not worse governed than those of other States, in fact Indianapolis is said to be one of the best governed cities of its size in the United States. Everywhere, however, the problem exists, and grows more difficult. Everywhere State legislatures are trying to solve it by enacting laws. The acts of our own legislature in 1893, devoted to the government of cities, comprise more than one-third of the entire volume containing the laws of that session. The belief seems to prevail that all the evils of society, moral, industrial and political, are to be cured by legislation. If the laws enacted are adapted to the real needs of the people, they are good so far as they go. But laws, however good, do not enforce themselves, and if the people elect men to office whom they would not entrust with their own private business, public affairs will be badly managed, no matter how good the laws may be. The two chief reasons why such men are so often elected, are, first, that so many of the most intelligent citizens selfishly neglect their political duties, and hence the selection of candidates is left to a less intelligent and more unscrupulous class, who make their

choices with the expectation of favors to be received after the candidate is elected. The candidate is thus placed under obligations, not to the best, but sometimes to the worst elements of society. Second, party politics is carried into local government, and the real interests of the city are hidden from view by campaign cries that belong only to a national election. The members of each party are made to believe that the safety of the city depends wholly upon the defeat of the opposite party. Good men of all parties are thus prevented from combining to defeat bad candidates, and to elect suitable ones. The result is, that no matter which party wins, a majority of those elected are far from being the best men for the offices to be filled, and they have often been elected by methods that will not bear honest investigation.

Before we can have such legislation as we need, men must be chosen to make the laws, whether in the General Assembly or in the City Council, who have at least these three essential qualifications :

1. They must have a clear knowledge of the principles of good government.
2. They must have intelligent convictions as to the needs of the communities for which they legislate.
3. They must be absolutely honest and immovably firm in devising and enacting appropriate laws.

Again, before we can have the laws of such law-makers properly applied and administered, we must have officials who combine three essential requisites :

1. A clear knowledge of the laws, and of the proper manner of applying and administering them.

2. A hearty recognition of the fact that public office is a public trust, and not an opportunity for personal gain.

3. Incorruptible honesty and unflinching courage in the performance of every official duty however large or small.

But before we can have such law-makers and public officers as these, the people who elect them must possess certain qualifications :

1. They must have a high and intelligent ideal of government, and of official integrity and qualifications.

2. They must select public servants with reference to fitness for honest and efficient public service, and not with reference to personal or party prejudices.

3. They must be willing to make the necessary sacrifice of personal ease, and of time from their business, to secure the nomination and election of reliable and competent men.

Even the less intelligent class of tax-payers would not willingly vote for men if they were sure that such men in office would make living more expensive, and life and property more insecure, but the more intelligent class, too often by their carelessness, permit the ignorant but well disposed to fall under the leadership of designing men. Nobody is so much to blame for the corrupt government of cities as the intelligent people who know, but who neglect their duties as citizens.

If every boy and girl in Indiana will carefully study the privileges and duties of citizenship, and prepare to claim and exercise these privileges, and to faithfully perform the duties—if they will take a patriotic pride in securing, at the least expense, in country, town, or city, the most

efficient government possible—the best roads, streets, and sidewalks; the best schools, and libraries; the best public parks, and places of wholesome amusement; and the removal of all vicious and degrading institutions, the next generation will find these problems of government largely settled.

#### QUESTIONS ON TOWNSHIPS, CITIES, AND TOWNS.

1. Name the different officers of the township.
2. How is each chosen, and for what term?
3. What are the duties of the Township Trustee?
4. What are the duties of Township Assessor?
5. What property is exempt from taxation?
6. What are the duties of Justices of the Peace?
7. What are the duties of Constables? Extent of their jurisdiction?
8. What are the duties of Road Supervisors, and of School Directors?
9. What provision is made for removing State, county, and township officers, and for filling vacancies?
10. Why should there be special provisions made for the government of cities and towns?
11. What are the different departments of city and town government?
12. Of what does the legislative department of a city government consist?
13. What are the powers of the City Council?
14. Name the executive officers of a city government.
15. How are these officers chosen, and for what term?
16. Name the judicial officers of a city.
17. How are they chosen, and for what term?

18. What is the relation of the City Marshal to the City Court?

19. Tell what you can about city elections.

20. Compare the government of a town with that of a city.

21. What is the legislative body of a town government? How chosen? Term?

22. Name the executive officers of a town? How chosen? Term?

23. What provision is made for the judicial business of a town?

24. When and how often are town elections held?

25. Under what conditions may a town become a city?

#### SUGGESTIVE TOPICS.

1. What is the difference between a civil and a congressional township?

2. Why are Road Supervisors and School Directors classed as township officers?

3. What can you say of the importance of the office of Township Trustee? What kind of man should be chosen to the office?

4. Is the county court house, or the district school house and furniture taxed? Why?

5. Why should private property, used for educational, literary, scientific or charitable purposes be exempt from taxation?

6. Can you point out any such property in your county?

7. How many road districts in your township? How many school districts?



8. Make a list of the names of the persons who fill the different offices of your township.

9. Would it be better for the Governor or the State Legislature to appoint the officers for our county and township governments, than for the people to elect them as they do? Why?

10. How are candidates for the various offices selected?

11. Why is it that inferior men are sometimes selected as candidates?

12. Find out the special duties of city officers. (Get for your school library, a copy of the Laws and Ordinances of some neighboring city).

13. What advantages does a town gain by becoming a city? Are there any disadvantages?

14. Give the classification of cities according to their population.

15. Name the cities of the two classes containing the largest population.

16. Point out the likenesses between the government of a city and that of the State.

#### TOPIC FOR DISCUSSION.

*Resolved*, That all church property should be taxed.  
Or,

*Resolved*, That no church property should be taxed.



## CHAPTER VIII.

### ARTICLE VII. JUDICIAL DEPARTMENT.

**Power where Vested.**—The judicial power of the State is vested by the Constitution in a Supreme Court, in Circuit Courts, and in such other courts as the General Assembly may establish.

Under this authority the Assembly has established Superior and Criminal Courts in certain counties, a Court of Claims and an Appellate Court for the State at large.

#### *Supreme Court.*

**Number of Judges,** five.

**Term of Service,** six years.

**Election.**—The State is divided into five districts, from each of which one judge is chosen. They are elected, however, by the voters of the entire State.

**Chief Justice.**—At each term the court elects one of its own members to serve as Chief or Presiding Justice, but no judge can preside two terms in succession, nor a second term until all the other judges have served.

**Duties.**—To interpret the Constitution and laws of the State, to direct the action of inferior courts, and to decide on appeals from the lower courts.

**Decisions.**—Its decisions must be in writing, and are final unless the case involves some phase of United States law, in which case an appeal may be made to a United States Court.

**Meetings.**—Two meetings or terms are held each year, at the State Capital, beginning in May and November, and continuing thirty days, or longer if business requires.

**Quorum.**—Any three members constitute a quorum.

**Officers.**—The officers of the Supreme Court are a Clerk, a Sheriff, and a Reporter.

**Clerk.**—Elected by the voters of the state for a term of four years. He keeps the records and issues all writs of the court.

**Sheriff.**—Appointed by the court for two years. He preserves order in the court-room, serves all writs, and executes all orders of the court.

**Reporter.**—Elected by the voters of the State for four years. He collects and has printed all decisions of the court.

### *Appellate Court.*

**Origin.**—The business of the Supreme Court has so increased that some measure of relief has become necessary. In 1891 the General Assembly provided for an Appellate Court with five judges chosen in the same manner, and from the same districts as the judges of the Supreme Court.

**Jurisdiction.**—It has exclusive jurisdiction of all appeals from the Circuit, Superior, and Criminal Courts in cases of misdemeanor; in cases appealed from the Justices' Courts where the amount in controversy exceeds fifty dollars, and in cases for the recovery of money where the amount does not exceed thirty-five hundred dollars. In all these, and a few other cases, the decision of this court is final.

**Term of Service.**—The first judges were appointed by the Governor to serve until the first day of January, 1893. Those elected to succeed these hold for a term of four years.

**Period of Existence.**—The period of existence of the Appellate Court, as determined by the act creating it, is six years from the first day of March, 1891, and no longer, at the close of which time the Supreme Court is to assume jurisdiction in all cases assigned to the Appellate Court.\*

**Officers.**—The Clerk and Sheriff of the Supreme Court are Clerk and Sheriff of the Appellate Court.

*Note.*—In 1893 the jurisdiction of this court was somewhat increased; at the same time it was denied jurisdiction in cases involving the constitutionality of a State or Federal law or the validity of a town or city ordinance, also in suits in equity, and cases in which titles to real estate are at issue. (See Acts of 1893, pp. 29-31)

### *Circuit Courts.*

**Judges and Jurisdiction.**—The Constitution provides that the Circuit Courts shall consist of one judge each, and shall have such civil and criminal jurisdiction as may be prescribed by law.

**Number of Circuits.**—The ninety-two counties of the state have been grouped by the General Assembly into a number of circuits, which may be increased or decreased, and in each of which a judge is elected for a term of six years. At present the number of circuits is fifty-six. The Circuit Judge holds court in each county of his circuit.

**Jurisdiction.**—With some exceptions, the Circuit Court has original jurisdiction in cases at law and in equity, in criminal and divorce cases, and in the settlement of decedents' estates and of guardianships. It has also appellate jurisdiction in cases beginning in the Justices' Courts, and exclusive jurisdiction in cases not assigned by law to some other court, officer, or board.

**Meetings.**—The times of holding these courts are determined by law, and vary with the amount of business to be done. Extra sessions may be held.

**Officers.**—The County Clerk and the County Sheriff perform in the Circuit Court the same duties as are performed by the like officers in the Supreme Court.

### *Superior Courts.*

**Where Established.**—Courts of this class have been established in the counties of Allen, Marion, Tippecanoe, Vanderburg, and Vigo.

**Judges, how Chosen.**—Elected by the voters of their respective counties.

**Number of Judges.**—One for each court, except that of Marion County, which has three.

**Term of Office.**—Four years, unless removed for misbehavior.

**Officers.**—Same as for the Circuit Court.

**Jurisdiction.**—This court has original concurrent jurisdiction with the Circuit Court in nearly all civil cases, and concurrent jurisdiction with the Circuit Court in cases of appeal from the lower courts.

**Sessions.**—A session, or term, begins on the first Monday of each month, except July and August.

*Criminal Court.*

**Where Established.**—There has been established in Marion County a Criminal Court with one judge, having original exclusive jurisdiction in all criminal cases within the county, except such as have been by law placed under the jurisdiction of justices of the peace.

**Judges, how Chosen.**—Elected by the voters of the county.

**Term.**—Four years, unless sooner removed for misbehavior.

**Officers.**—Same as in the Circuit Courts.

**Prosecuting Attorney.**—In each judicial circuit, a State Prosecuting Attorney is elected by the voters of the circuit.

**Term.**—Two years.

**Duties.**—He conducts for the state all prosecutions of criminal cases in the various courts of his circuit, and acts as attorney for the counties of his circuit in all cases in which they may have a part.

*Court of Claims.*

The Marion Superior Court has been constituted a Court of Claims in which persons having claims against the State may bring suit for the recovery of the same. (Act of 1889).

*Juries.*

Of these there are two kinds, the Grand Jury and the Petit Jury.

**How Chosen.**—See THE AMERICAN CITIZEN, p. 88; also sections 1385-1396, Revised Statutes of Indiana, 1881.

**Grand Jury.**—This jury consists of six men. They choose one of their number foreman, and another clerk.



It is their duty to examine the cases of persons accused of crime, and, if the evidence is sufficient, to bring indictments against the accused. They must also inquire into the misconduct of county officers and the mismanagement of county prisons and poorhouses.

**The Petit Jury.**—In criminal cases the Petit Jury consists of twelve men. In civil cases it may consist of any number between three and twelve, as may be agreed upon. In cases before a Justice of the Peace the number is six, but with the consent of the parties it may be less than that number. It is the duty of this jury to try all cases brought before it, and bring in a verdict according to the evidence. The verdict of a petit jury must be unanimous. (See *THE AMERICAN CITIZEN*, pp. 88 and 89).

### *Justices' Courts.*

There shall be elected in each township, by the voters thereof, a competent number of Justices of the Peace, not exceeding two for each township, and one additional for each incorporated town, and one additional for each incorporated city in the township. (Acts of 1883, p. 190).

**Term of Office.**—Four years.

**Jurisdiction.**—The Justice's Court has exclusive original jurisdiction in civil cases in which the amount in controversy does not exceed one hundred dollars, and jurisdiction concurrent with the Circuit Court when the amount does not exceed two hundred dollars. In certain minor criminal cases it has exclusive original jurisdiction, and in others it has concurrent jurisdiction with the Circuit Court. It can assess no fine greater than twenty-five dollars.



**Constables.**—As many Constables are chosen in each township as there are Justices of the Peace. They are elected by the voters of the township for a term of four years. The Constable is the executive officer of the Justice's Court as the Sheriff is of the Circuit Court. The authority of the Constable extends over the entire county, unless specially restrained by law. He is the peace officer of the township.

**City Courts.**—These have been sufficiently explained under "City Government."

**Judges Conservators of the Peace.**—The Constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdictions.

#### QUESTIONS ON ART. VII. THE JUDICIAL DEPARTMENT

1. Where is the judicial power of the State vested?
2. Which of the courts are established by the Constitution? Which by the General Assembly?
3. How many judges in the Supreme Court? Term of service?
4. How are judges of the Supreme Court chosen?
5. How is the Chief Justice chosen? How long does he serve as Chief?
6. What are the duties of the Supreme Court? What is said of its decisions?
7. How often does it hold a session? When? Length of session?
8. What constitutes a quorum in this court?
9. Name the officers of the Supreme Court.
10. Give the duties of each of these officers.
11. How is each of these officers chosen? Term of each?

12. State the origin of the Appellate Court.
13. Extent of its jurisdiction ?
14. Term of its judges ?
15. How long is this court to exist ?
16. Officers of the Appellate Court ?
17. How many Circuit Courts are there ? How many judges in each ?
18. What classes of cases come before the Circuit Courts ?
19. What is said about the times of holding the Circuit Court ?
20. Name the officers of the Circuit Courts.
21. Where have Superior Courts been established ?
22. Number of judges ? How chosen ? Term ? Officers ?
23. What cases fall under the jurisdiction of the Superior Court ?
24. When does it hold its sessions ?
25. Where has a Criminal Court been established ? Number of judges ? Jurisdiction ?
26. How are the judges of this court chosen ? Term of service ? Officers of the court ?
27. How are Prosecuting Attorneys chosen ? Their term ? Their duties ?
28. How many prosecuting attorneys are there at present ?
29. Name the classes of juries. Number in each ?
30. What are the duties of the Grand Jury ?
31. What are the duties of the Petit Jury ?
32. What is said of the number of Justices of the Peace ? How chosen ? Term ?

33. Jurisdiction of the Justice's Court?
34. Number of Constables? How chosen? Term?
35. What are the Constable's duties? Extent of his authority?
36. Relation of the judges of the various courts to the preservation of the peace?

#### SUGGESTIVE TOPICS.

1. If a judicial circuit consists of two or more counties, do the Clerk and Sheriff follow the Judge as he goes from one county to another to hold court? Explain.
2. Suggest a reason for establishing Superior Courts in the six counties named, and not in all.
3. What is meant by original jurisdiction?
4. What is meant by concurrent jurisdiction?
5. What is meant by original concurrent jurisdiction?
6. What is meant by appellate jurisdiction?
7. What is meant by exclusive jurisdiction?  
(If you cannot find out answers yourself, ask some lawyer).
8. Why should there be a special Criminal Court in Marion County, and not in all the counties of the State?
9. What are the duties of the foreman of the Grand Jury? Of the clerk?
10. Origin and meaning of the term *petit*?
11. If a riot should occur within the jurisdiction of a judge, would he be under obligation to quell it? Why?
12. What are the two general classes of cases brought before the courts?
13. What is the difference between them?

14. What is the one central purpose for which courts are established?

15. How are judges of the United States Courts chosen? Why are not the judges of our State Courts chosen in a similar way?

16. What kind of men ought to be selected for judges?

17. What reason can you give why we have so many classes of courts in this State?

TOPIC FOR DISCUSSION.

*Resolved,* That judges should be appointed and not elected.

## CHAPTER IX.

### ARTICLE VIII. EDUCATION.

“Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.”

**School Fund.**—In order to carry out the foregoing, the Constitution provides a fund that shall be permanent and inviolable, only the interest of which can be expended. It consists of the Congressional township fund and the lands belonging to it; the surplus revenue fund; the saline fund, and lands belonging thereto; the bank tax fund, and the fund arising from a provision of the charter of the State Bank of Indiana; the fund derived from the sale of county seminaries and the property belonging thereto; fines assessed for breaches of the penal laws of the State, and all forfeitures which may accrue; escheats, and lands granted to the State with no special purpose expressed in the grant, including the swamp lands granted to the state by the act of Congress, September 28, 1850; and taxes on the property of corporations that may be assessed by the General Assembly for common school purposes.

The General Assembly has enacted that all license fees from retail liquor dealers shall be added annually to the tuition revenue of the State.

The total amount of the permanent school fund of the State is about ten million dollars, and the value of public school property is about fifteen million dollars.

The amount arising from the interest of the permanent fund and from the license fees is insufficient to educate the children of the State, hence taxes are levied on all taxable property for tuition purposes. At present the State tax for this purpose is thirteen and one-half cents on each one hundred dollars, and fifty cents on each taxable poll. The total income from these sources is annually apportioned among the counties of the state in proportion to the number of children of school age. Trustees of townships, towns, and cities are authorized to levy an additional tuition tax not exceeding twenty-five cents on each one hundred dollars of taxable property, and twenty-five cents on each taxable poll. This is for the use of their own schools.

**School System.**—The school system is so organized that a child may enter a primary school at the age of six years, and pass through all the grades to the high school, and from the high school to the State University or Purdue University. The Indiana school system is said to be one of the best in the United States.

**School Officers.**—In order to carry the system into effect the following officers are provided: For the State, a State Superintendent of Public Instruction, and a State Board of Education; for each county, a County Superintendent; for each township, one Trustee, and for each



town or city, except Indianapolis, which has a larger number, a Board of three Trustees; and for each school district in the townships, one Director. In cities and in many towns a Superintendent of Schools is chosen by the School Board, but he is not regarded as an officer of the State school system, and his salary is paid from special local taxes.

**County Board of Education.**—The Township Trustees, and the Presidents of the School Boards of all incorporated towns and cities in the county, together with the County Superintendent, constitute a County Board of Education, of which the County Superintendent is the President.

#### EDUCATIONAL INSTITUTIONS.

**Common Schools.**—These are so distributed that a school is convenient to every child in the State. The total enrollment in these schools in 1890 was more than half a million children, and the number of teachers employed for them was more than thirteen thousand.

**State Schools.**—The State Normal School, for the training of teachers, is at Terre Haute; Indiana University, for imparting a liberal education, at Bloomington; and Purdue University, for mechanical and agricultural training, at Lafayette.

#### QUESTIONS ON ART. VIII. EDUCATION.

I. What reason is given for establishing a system of free schools? (For the original of this, see Article III. of the compact in the Ordinance of 1787; see also *THE AMERICAN CITIZEN*, pp. 103-105).

2. What provision does the Constitution make for carrying this declaration into effect?

3. What are the principal sources from which the school fund is derived?

4. What addition to the school fund, not mentioned in the Constitution, has the General Assembly made?

5. What is the total amount of our school fund? Value of our school property?

6. What is said of the organization of our school system?

7. How does it compare with other state systems?

8. Name the officers whose business it is to carry the school system into effect.

9. How are the common schools distributed? How many children attend them? How many teachers employed?

10. Name and locate the special State schools.

11. What is the special purpose of each?

#### SUGGESTIVE TOPICS.

1. Who was the author of the educational article in the Ordinance of 1787?

2. What was the origin of the Congressional township fund?

3. Locate the "school section" in your township?

4. What was the origin of the "surplus revenue fund"?

5. How much of this fund did Indiana get? How much did she put into the school fund? How did she come to so apply it? (See Scribner's Monthly for December, 1877, p. 255, for a most interesting history of this matter.)

6. Origin and meaning of the term saline? Origin of the saline fund?

7. What is meant by escheats?

8. Origin of the county seminary fund?

9. How much income, at 6% interest, will our school fund yield? How much for each child in school in 1890?

10. Is that enough to pay for their education? How else is money obtained for school purposes?

11. How many public school houses are there in the state? (The report of the State Superintendent of Public Instruction will tell you).

#### TOPIC FOR DISCUSSION.

*Resolved*, That the three State schools for higher and special education should be kept separate. Or,

*Resolved*, That they should be combined into one university.

## CHAPTER X.

### ARTICLE IX. STATE INSTITUTIONS.

#### *Charitable and Penal.*

This article makes it the duty of the General Assembly to provide by law institutions for the care of the unfortunate classes.

**Deaf and Dumb.**—A school for the education of the deaf and dumb has been established at Indianapolis.

**Blind.**—An institute for the education and training of the blind is also at Indianapolis.

**Insane.**—There are four hospitals for the care and treatment of the insane. They are designated and located as follows: The Central, at Indianapolis; the Southern, at Evansville; the Northern, at Logansport; and the Eastern, at Richmond.

**Juvenile Offenders.**—The reform school for boys is at Plainfield, and that for girls is at Indianapolis. In these schools, religious, moral, and industrial training is given.

**Orphans.**—A Soldiers' and Sailors' Orphans' Home has been established at Knightstown by the General Assembly; and under authority given by law, county boards have established a number of County Orphans' Homes. Under the general incorporation law of the State, any society for saving destitute children may establish Orphans' Homes or Homes for Destitute Children.

**Feeble-Minded Youth.**—A school and home for this class is located at Fort Wayne.

**Aged and Infirm Poor.** — Authority is conferred by the Constitution upon county boards to provide farms as asylums for such as have claims upon the sympathy and aid of society. Our "poor farms," or "county asylums," are outgrowths of this provision.

**Penal Institutions.** — Of these there are three for the State at large; The State Prison South, at Jeffersonville; the State Prison North, at Michigan City; and the Women's Prison at Indianapolis, in connection with the Reform School for Girls, and under the same management, the board of managers being women.

**County Jail.** — In each county is a prison provided for the confinement of convicted criminals and persons awaiting trial.

*Note.* — The penal institutions are not mentioned in the Constitution. They are provided for by the General Assembly.

#### QUESTIONS ON ARTICLE IX. STATE INSTITUTIONS.

1. What is the duty of the Legislature toward the unfortunate classes? (See AMERICAN CITIZEN, pp. 263 and 272, for a discussion of how to treat crime and the poor).

2. How has it performed that duty?

3. Locate the institutions for the deaf and dumb, the blind, and the insane.

4. Where are the reform schools for juvenile offenders? What is taught in these schools?

5. Locate the Soldiers' and Sailors' Orphans' Home. Is this a school as well as a home?

6. What provision is made for other orphans?

7. Locate the institution for feeble-minded youth. What are its purposes?

8. How are the aged and infirm poor provided for?

9. Locate the penal institutions of the State.

10. What is the difference between the State prisons, and those of the counties?

11. What "county board" is it that provides the county "poor farm"?

12. What motive should actuate the State in the punishment of criminals? (See Sec. 18, Art. I., Bill of Rights, p. 117).

#### SUGGESTIVE TOPICS.

1. Was there as much care taken of the unfortunate classes in ancient times as there is now? How do you account for the difference?

2. What relation exists between deafness and dumbness? Can the dumb be taught to speak?

3. What are the most important causes of insanity? Is it increasing or decreasing?

4. What are the chief purposes of the reform schools?

5. Why establish a special school for feeble-minded children instead of sending them to the common schools?

6. Why are there fewer women than men who are criminals?

7. Is there any relation between ignorance and crime?

8. Is there any relation between poverty and crime?

9. What can the State do to prevent crime?

10. What is the chief cause of the poverty in your county?



11. How may children be trained to such habits of economy and thrift as will save them from pauperism? (On topics 7-11, see AMERICAN CITIZEN, Chaps. 38 and 39).

TOPIC FOR DISCUSSION.

*Resolved*, That a "school savings bank" should be established in each township of the State. (See Ind. School Journal for April, 1891).

## CHAPTER XI.

### ARTICLE X. FINANCE.

**Assessment and Taxation** shall be at a uniform and equal rate, on all property, both real and personal, except such as may be devoted to municipal, educational, literary, scientific, religious, or charitable purposes which may be specially exempted by law.

**Application of Revenue.**—The revenue of the State shall be applied: 1. To the payment of the expenses of the government; 2. To the payment of the interest on the public-debt; 3. To the payment of the principal of the debt.

**Appropriations.**—No money shall be drawn from the treasury but in pursuance of appropriations made by law; and an accurate statement of receipts and expenditures shall be published with the laws of each regular session of the Assembly.

**Indebtedness.**—The Assembly is forbidden to create by law any debt except to meet deficiencies in the revenue, to pay interest on the public debt, or to protect the State. No county can go in debt for stock in any incorporated company, or loan its credit for any such company; neither shall the General Assembly assume the debt of any county, township, town, or city, or of any corporation whatever

#### QUESTIONS ON ARTICLE X. FINANCE.

1. How does the State obtain its revenues?
2. What is the provision concerning the rate of taxation?

3. What property is exempted from taxation?
4. For what purposes does the State collect revenue?
5. What is necessary before the State Treasurer has the right to pay any money out of the public funds?
6. For whose benefit is the statement of receipts and expenditures published?
7. How often is such statement required?
8. Who is it that makes the requirement?
9. For what purposes has the Assembly power to go in debt? Is this a wise provision? Why?
10. What kind of debt are the counties forbidden to make?
11. If a county or town should become involved in debt, can the legislature make an appropriation to help it out?
12. What is the reason for this provision?

#### SUGGESTIVE TOPICS.

1. What right has the State to tax the property of its citizens?
2. What does the State give in return for the taxes it receives?
3. Mention some of the legitimate expenses of the State.
4. What is meant by a "poll" tax?
5. Who pays this kind of tax? How may a man be exempted from poll taxes?
6. Are the taxes collected by the State direct, or indirect?
7. Why permit no payment from the treasury unless authorized by a law?
8. What is meant by a county's loaning its credit?

## TOPIC FOR DISCUSSION.

*Resolved*, That the taxing of both land or other property and the notes or mortgages given to secure payment for the same, is an injustice which the Legislature should correct. Or,

*Resolved*, That taxes should be levied on land alone.

## CHAPTER XII.

### ARTICLE XI. CORPORATIONS.

**Banks.**—The Legislature is forbidden to create any bank or other institution, for the purpose of issuing bills of credit to circulate as money, except under a general banking law, unless it be a bank with branches.

**Security.**—If banks shall be organized under a general banking law, all of their paper designed to circulate as money must be registered and countersigned by an officer of State, and ample collateral security shall be given for the redemption of such paper money in specie. This collateral security shall be under control of the proper officers of State.

**Banks with Branches** —The Assembly may charter a bank with branches. In this case collateral security is not required, but the branches shall be mutually responsible for the redemption of all notes they may issue as money.

**Stockholders responsible.**—In all banking corporations the stockholders shall be individually responsible for an amount, over and above their stock, equal to their shares of stock, for the debts and liabilities of the bank.

**Specie payments.**—All bills issued by any bank as money shall at all times be redeemable in gold or silver, and the Assembly is forbidden to pass any law sanctioning the suspension of specie payments.

**Preferred Creditors.**—In case a bank becomes insolvent, the holders of its notes shall be preferred creditors.

**Interest.**—No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

**Twenty-years limit.**—No bank is permitted to continue banking operations longer than twenty years from the time of its organization.

**Trust funds.**—The Assembly may invest the trust funds of the State in a bank with branches, provided unquestionable security be given.

**State not a Stockholder.**—After the expiration of the bank charter, existing at the time of the adoption of this constitution, the State is forbidden to become a stockholder in any bank or other corporation, or to give or loan its credit to any person, corporation or association.

*Note.*—In 1863, when Congress established the National Banking System, it levied a heavy tax on the paper money of all State banks. As the tax was equal to the interest they could get on their money, they were compelled to close up their business. Since that time Congress has furnished to the whole country a uniform paper currency, of equal value in all the States. It has done this by issuing United States notes, commonly called "greenbacks," and gold and silver certificates; or by authorizing banks, under the national banking system, to issue notes. The notes of the State banks were not of uniform value throughout the country, and in States distant from that in which they were issued they were at a great discount, often almost worthless, because people feared



they would never be redeemed. These State banks were often called "wild-cat banks."

**Other Corporations** than banks shall be created only under general laws, and dues from such corporations shall be secured by the individual liability of their members, or by such other means as the Assembly may prescribe.

#### QUESTIONS ON CORPORATIONS.

1. Under what conditions does this Constitution authorize the establishment of banks?

2. What security is required for the redemption of paper in specie?

3. What kind of a bank may the Assembly charter by special law?

4. What kind of security is required in this case?

5. To what extent are stockholders liable for the debts of the bank?

6. How must the bills of a bank be redeemed? When?

7. Who are the preferred creditors of an insolvent bank?

8. What is said about the rate of interest banks may charge?

9. How long may a bank continue to do business under the provisions of this Constitution?

10. In what kind of a bank may the State trust funds be invested? On what conditions?

11. What was the effect of the national banking system upon the State banks? How did Congress cause the State banks to close?

12. What is the advantage of the present National system of money over the State systems?

13. Why should corporations be organized under a general law, instead of under a special law for each?

SUGGESTIVE TOPICS.

1. Can a State issue bills of credit to circulate as money? (See Const. of U. S., Art. I., Sec. X). How then can it authorize a bank to do so?

2. What is meant by a "bank with branches?"

3. What is meant by "specie?"

4. What is meant by "preferred creditors?"

5. What is meant by "insolvent?"

6. What is the legal rate of interest in Indiana?

7. Do individuals or banks ever get more than the legal rate? How?

8. What is the penalty for such conduct?

9. After the expiration of the twenty years term, is there any way by which a bank may continue to do business?

10. What is meant by "trust funds?" Give examples.

11. For what reason is the State forbidden to be a stockholder in any corporation?

12. How can you recognize a "greenback?" A "gold" or "silver certificate?" A "national bank note"?

13. Why were state banks called "wild-cat" banks?

TOPIC FOR DISCUSSION.

*Resolved*, That all money should be issued by the General Government.

## CHAPTER XIII.

### ARTICLE XII. MILITIA.

**Organization.**—The militia consists of all able-bodied males between the ages of eighteen and forty-five years, except such as may be exempted by National or State law, and the organizing, officering, arming, equipping, and training is prescribed by law.

*Note.*—For the details of legislation on this subject, see Revised Statutes of 1881, sections 5356–5453.

**Appointments.**—The Governor appoints the Adjutant-General, Quartermaster-General, and Commissary-General. Subordinate officers are appointed as provided by the General Assembly.

**Commissions.**—All militia officers must be commissioned by the Governor, and may not hold their offices longer than six years.

**Classification.**—The militia is divided into two classes, active and sedentary.

*The active militia* consists of those who are enrolled members of armed and uniformed companies, duly organized and mustered into the service.

*The sedentary militia* consists of all citizens subject to bear arms, who do not belong to the active militia.

**Exemption.**—The Constitution exempts from military duty, persons conscientiously opposed to bearing arms, but requires them to pay a sum of money, to be fixed by law, as an equivalent for exemption.

**Discipline.**—The system of tactics used must be that prescribed by the United States.

**Governor's Call.**—The Governor has authority to call out the militia when it may be necessary to put down a riot, suppress insurrection, or repel invasion.

#### QUESTIONS ON ART. XII. MILITIA.

1. Who are subject to be called into the military service of the State?

2. Who prescribes the organization, officering, arming, equipping, and training of the militia?

3. What militia officers are appointed by the Governor?

4. How are subordinate officers appointed? Name some such officers.

5. Who commissions the militia officers? Does he commission those not appointed by himself?

6. Name the classes of the militia? Who compose each class?

7. Name three classes of persons who are exempt from military service.

8. On what condition are the conscientious exempt?

9. What system of military tactics must be used in training the militia?

10. Why may not the State adopt a system of tactics of its own? (See Const. of U. S., Art. I., Sec. VIII. p. 159).

11. Who has authority to call the militia into service? For what purposes?

## SUGGESTIVE TOPICS.

1. Origin of the term "Militia?"
2. What is meant by a "commission?" What is its purpose?
3. Duties of an adjutant?" Of a "quartermaster?" Of a "commissary?"
4. Origin and meaning of "sedentary?"
5. What is meant by "bearing arms?"
6. Origin and meaning of "exempt?"
7. Are "conscientious scruples" a good reason for exemption from military service?
8. What religious denominations hold such scruples? On what ground do they base them?
9. Is it consistent to refuse to fight, for conscientious reasons, but at the same time to pay a sum to employ some one else to do so?
10. Origin and meaning of the word "tactics"?
11. Why does the U. S. Constitution require that the State militia shall use U. S. tactics?"

## TOPIC FOR DISCUSSION.

*Resolved,* That no exemption fee should be required of those who are conscientiously opposed to bearing arms.

## CHAPTER XIV.

### ARTICLE XIII. DEBTS OF POLITICAL AND MUNICIPAL CORPORATIONS.

Political and municipal corporations within this State are forbidden to ever become indebted to any amount exceeding two per cent. of the value of their taxable property, and all bonds or obligations given in excess of that amount shall be void: *Provided*, That in time of war, invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, the authorities may incur obligations to such an amount as may be requested in such petition.

*Note.*—This is an amendment to the Constitution, adopted March 24, 1881, and inserted in place of the original Article XIII.

The original article will be found in the "Addenda" at the end of the Constitution, p. 152.

#### QUESTIONS ON ARTICLE XIII.

1. What limit is placed upon the indebtedness of political and municipal corporations?
2. How is the value of the taxable property of the corporation to be determined? (See Art. XIII., in the Const. p. 143, 144).
3. If a corporation gives its bonds for a greater sum than that specified in this article, what is the provision as to the value of such bonds?



4. What exception is made to this provision?
5. Is the exception a wise one?
6. What majority is required to make the petition of any force?
7. Even with such a double majority on the petition, are the public authorities bound to comply?

#### SUGGESTIVE TOPICS.

1. Is there any limit to the debt the State can create? Why this difference between the State and a subordinate corporation?
2. What is the distinction between a political and a municipal corporation?
3. Is there more danger that a municipality will create debts, than that the State will? Why?
4. Meaning of the term "void"?
5. If the State should repudiate its debts is there any legal way of compelling it to pay? (See Amendment XI. to the U. S. Const., p. 171).
6. What is the meaning of "repudiate"?
7. Have any of the States ever repudiated their debts? Has Indiana?
8. Name some State debts that the United States has required the States to repudiate? (See Amendment XIV., Sec. 4, U. S. Const., p. 173).
9. Can a county, township, or city be sued for the collection of debts or damages?
10. Mention an example of damage for which a county might be sued? One for which a town or city might be sued?

#### TOPIC FOR DISCUSSION.

*Resolved*, That a State has no more right than an individual to repudiate an honest debt.

## CHAPTER XV.

### ARTICLE XIV. BOUNDARIES.

**Limits.**—The Constitution defines the limits of the State as follows: It is “bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north, by said east and west line, until the same shall intersect the first-mentioned meridian line, which forms the western boundary of the State of Ohio.”

*Note.*—The question as to what part of the Ohio River forms the boundary line, has twice been before the U. S. Supreme Court, and in both cases it was decided to be the low water-mark on the northwest side of the river. See 136, U. S. Reports, case of *Indiana v. Kentucky*, May 19, 1890; and Report for 1820, Feb., case of *Handley's Lessee v. Anthony*.

**Jurisdiction.**—“The State of Indiana shall possess jurisdiction and sovereignty coextensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said states respectively.”

#### QUESTIONS ON ARTICLE XIV.

1. Trace on a map, and accurately describe the boundaries of Indiana.
2. What are the limits of the boundary by the Ohio River?
3. What are the limits of the Wabash boundary?
4. What part of the Wabash River is the boundary?
5. Locate the northwestern corner of the State.
6. What else besides territory is limited by these boundaries?
7. What is said of Indiana's jurisdiction on the Ohio and Wabash Rivers?
8. What part of the Ohio River is the southern boundary of the State, the north shore, the south shore, or the middle?

#### SUGGESTIVE TOPICS.

1. From what point in Vincennes was the “due north line” drawn?
2. Why was part of Lake Michigan included in Indiana?
3. What marks the geographical centre of the State?
4. Meaning of the term “coextensive”?
5. Meaning of the term “sovereignty”?

6. What is meant by Indiana's having concurrent jurisdiction with Kentucky and Illinois? Suppose a case to illustrate.

7. Did the people of Indiana themselves first fix the boundaries of the State? If not, who did?

TOPIC FOR DISCUSSION.

*Resolved*, That the main channel of the Ohio' River should be the boundary between Indiana and Kentucky.

(For material on this discussion, see the cases in the Supreme Court Reports, cited under Art. XIV.)

## CHAPTER XVI.

### ARTICLE XV. MISCELLANEOUS.

**Appointments.**—When not otherwise provided for in the Constitution, officers shall be chosen as may be prescribed by law.

**Term.**—When the Constitution does not specify the length of term of any officer, it may be declared by law; and if not so declared, he shall hold at the pleasure of the appointing power. But the General Assembly can create no office the tenure of which shall exceed four years.

**Holding Over.**—Any officer, chosen for a given term, shall hold his office for that term, and until his successor shall have been elected and qualified. This does not apply to members of the Legislature.

**Oath.**—Every officer, before entering upon his duties, shall take an oath or affirmation to support the Constitution of Indiana and of the United States, and also an oath of office.

**Seal.**—There shall be a seal of State kept by the Governor for official purposes. It must be affixed to all commissions issued by the Governor, and to other important papers.

**Commissions.**—All commissions to officers are to be issued in the name of the State, signed by the Governor, sealed by the State seal, and attested by the Secretary of State.

**Size of Counties.**—No county shall be reduced to less than four hundred square miles; nor shall any county under that area be further reduced.

**Lotteries.**—No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

**Grounds.**—The State House Square and the Governor's Circle shall not be sold or leased. It shall be the duty of the General Assembly to permanently enclose and preserve the Tippecanoe Battle Ground.

*Note.*—The name of the Governor's Circle was changed by the General Assembly of 1893 to Monument Place. It is situated in the centre of Indianapolis, and contains the State Soldiers' and Sailors' Monument. Monument Place and all of its improvements are under the control and care of the State Soldiers' and Sailors' Monument Commission.

#### QUESTIONS ON ARTICLE XV.

1. What authority determines the manner of choosing officers, if not determined by the Constitution?

2. What are the provisions concerning length of official terms, if the time is not specified in the Constitution?

3. If the term of an officer expires and no one has been chosen to succeed him, how is the business of the office provided for?

4. What exception is there to this provision.

5. How many and what things are involved in the oath of all officers in the State?

6. Who keeps the seal of the State? For what is it used?

7. What is the provision with regard to official commissions?



8. What are the provisions concerning the size of counties?

9. What is said about lotteries and lottery tickets?

10. What does the Constitution say about the State House Square and the Governor's circle? The Tippecanoe Battle Ground?

#### SUGGESTIVE TOPICS.

1. Why provide that an officer shall hold over until his successor has been chosen and qualified?

2. Why not apply this to members of the Legislature?

3. What is meant by an officer's being "qualified"? By the "oath of office"?

4. Describe the seal of the State of Indiana.

5. Meaning of the term "attest"?

6. In issuing official communications, who represents the State?

7. Why put the prohibition of lotteries in the Constitution instead of leaving the matter to the Legislature?

8. Can you name some states that have had trouble with lotteries?

9. Locate the State House Square.

10. What occupies the Governor's Circle at present?

11. When was the name of the Governor's Circle changed? Why was the change made?

12. Locate the Tippecanoe Battle Ground.

13. Has the General Assembly enclosed this ground as required by the Constitution? How?

14. Why take so much pains with this ground?

15. Tell the story of the "Battle of Tippecanoe."

#### TOPIC FOR DISCUSSION.

*Resolved*, That all lotteries should be prohibited in all the States by constitutional provisions.

## CHAPTER XVII.

### ARTICLE XVI. AMENDMENTS.

**How Proposed.**—Any amendment may be proposed in either house; and if agreed to by a majority of both houses, it shall, with the yeas and nays thereon, be entered on the journals and referred to the next General Assembly. If agreed to by both houses of the next Assembly, it shall then be submitted to the electors of the state.

**How Ratified.**—If a majority of the electors of the state indorse the amendment by their votes, it then becomes part and parcel of the Constitution.

**Two or More Amendments.**—When two or more amendments are, at the same time, submitted to the voters of the State, it shall be so done that they can be voted upon separately. While any amendment is pending, either before the Assembly or the electors, no additional amendment shall be proposed.

Amendments have twice been made to this Constitution. In 1873, Art. X. was amended by adding a provision forbidding the State to ever pay or redeem any certificate of stock issued for the completion of the Wabash & Erie Canal to Evansville. In 1881 the time of the general election was changed from October to November; the word *white* was stricken out wherever it limited the right of suffrage; the word *other* was substi-

tuted for *inferior* in section 1 of Art. VII.; a provision was added to section 22, Art. IV., in relation to fees and salaries; and the original Art. XIII. was stricken out, and the article relating to debts of political and municipal corporations was substituted for it. The original Art. XIII. forbade any negro or mulatto to enter or settle in the State after the adoption of the Constitution; it nullified contracts made with such persons; and subjected to fine any one employing or otherwise encouraging such persons to remain in the State.

#### QUESTIONS ON ARTICLE XVI. AMENDMENTS.

1. How are amendments to the Constitution proposed?
2. By what steps do they reach the people for their action?
3. How do the people act upon them?
4. What number of votes is required to ratify an amendment?
5. In case two amendments are proposed at the same time, how shall it be done?
6. How many times has this Constitution been amended? Date of each?
7. What amendment was made at the first date?
8. What amendments were made at the second date?

#### SUGGESTIVE TOPICS.

1. Why submit amendments to the voters of the State?
2. Meaning of the term "ratify?"
3. Why make provisions for amendments?
4. Why should no new amendment be proposed while one is pending?

5. Origin and meaning of the term "pending."
6. Examine each amendment that has been made, and tell what you think of its wisdom. Give your reasons in each case.
7. Do you know of any new amendments that ought to be made? Give your reasons for them.

## TOPIC FOR DISCUSSION.

*Resolved*, That no more than one amendment to the Constitution should be submitted to the people at the same time.

## CHAPTER XVIII.

### THE SCHEDULE.

The framers of the Constitution, in order that no inconvenience or confusion should arise in the change of the government from the old constitution to the new, wisely adopted a number of specific provisions. These pertained to the laws already in force, to cases already begun in the courts, to contracts of the State, charters of corporations already existing, to the time of election under the new constitution, to the holding over of officers, and to the filling of vacancies.

It also provided that Article XIII., pertaining to negroes and mulattoes, should be voted on by the people as a distinct proposition, but that no other article should be so voted upon.

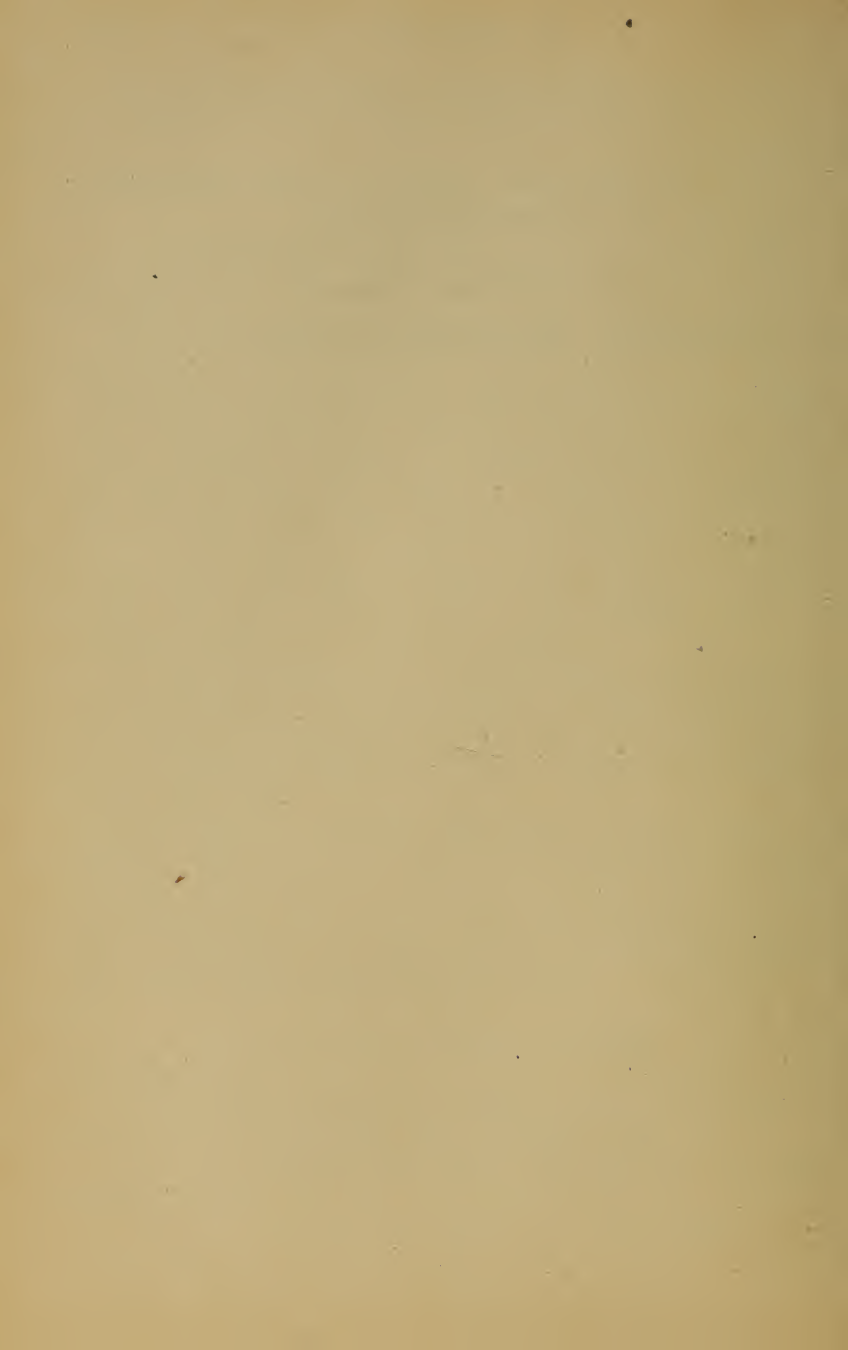
There was a provision that a new county might be made by taking not to exceed one-third of the territory of each of the counties of Perry and Spencer. It also gave the General Assembly authority to alter or amend the charter of the town of Clarksville.

### QUESTIONS ON THE SCHEDULE.

1. What was the general purpose of the schedule?
2. Name its most important specific purposes.
3. Did the people vote "yes" or "no" on the thirteenth article?

4. Was their decision wisely made? Give reasons for your answer?
5. What did the people themselves think of it later?
6. Locate Perry and Spencer counties.
7. Was the new county ever made from them?
8. Who was president of the convention that framed this Constitution? Who was chief secretary?





## APPENDICES.



# APPENDIX.

## A.

### SALARIES OF STATE OFFICERS.

(As enacted by the General Assembly, 1891.)

Governor . . . . .	\$5000
Lieutenant-Governor . . . . .	1000
and \$8 per day as President of the Senate.	
Secretary of State . . . . .	3500
Auditor of State . . . . .	4000
Treasurer of State . . . . .	3000
Attorney General . . . . .	2500
and 12 per cent of money recovered to the State.	
Adjutant-General . . . . .	1200
State Librarian . . . . .	1500
Clerk of the Supreme Court . . . . .	3000
Superintendent of Public Instruction . . . . .	2500
and traveling expenses.	
State Geologist . . . . .	2000
Inspector of Mines . . . . .	1500
Inspector of Mineral Oils . . . . .	Fees
Inspector of Natural Gas . . . . .	1200
State Board of Tax Commissioners . . . . .	2000
and traveling expenses.	
Chief of Bureau of Statistics . . . . .	2000
Fish Commissioner, expenses and . . . . .	300

Secretary of Board of State Charities . . . . .	\$2000
Secretary of State Board of Health . . . . .	1200
Custodian of Public Buildings . . . . .	1500
Judges of Supreme Court . . . . .	4000
Law Librarian of the Supreme Court . . . . .	1500
Sheriff of the Supreme Court . . . . .	500
and fees.	
Judges of the Appellate Court . . . . .	3500
Judges of Circuit Courts . . . . .	2500 to 4000
Judges of Superior Courts . . . . .	2500 to 4000
Judges of Criminal Courts . . . . .	2500
Prosecuting Attorneys . . . . .	500
and fees.	
Members of the General Assembly, per diem while in actual attendance . . . . .	6
and mileage.	
Speaker of House of Representatives, per diem . . . . .	8

## APPENDIX.

*B.*

### CONSTITUTION OF THE STATE OF INDIANA.

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#### PREAMBLE.

To the end that justice be established, public order maintained, and liberty perpetuated: We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

#### ARTICLE I.

##### *Bill of Rights.*

SECTION 1. We declare that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness ; that all power is inherent in the people ; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well being. For the advancement of these ends, the people have at all times an indefeasible right to alter and reform their government.

SEC. 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.



SEC. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No preference shall be given, by law, to any creed, religious society or mode of worship; and no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent.

SEC. 5. No religious test shall be required as a qualification for any office of trust or profit.

SEC. 6. No money shall be drawn from the treasury for the benefit of any religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness, in consequence of his opinion on matters of religion.

SEC. 8. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

SEC. 9. No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible.

SEC. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 12. All courts shall be open; and every man, for injury done to him, in his person, property or reputation,

shall have remedy by due course of law. Justice shall be administered freely and without purchase; completely, and without denial; speedily, and without delay.

SEC. 13. In all criminal prosecutions the accused shall have the right to a public trial, by an impartial jury in the county in which the offence shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

SEC. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.

SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases the right of trial by jury shall remain inviolate.

SEC. 21. No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contract, shall ever be passed.

SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended except by the authority of the General Assembly.

SEC. 27. The privileges of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion, and then only if the public safety demand it.

SEC. 28. Treason against the State shall consist only in levying war against it, and giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

SEC. 30. No conviction shall work corruption of blood or forfeiture of estate.

SEC. 31. No law shall restrain any of the inhabitants of the State from assembling together, in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

SEC. 32. The people shall have a right to bear arms for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordination to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

SEC. 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

SEC. 36. Emigration from the State shall not be prohibited.

SEC. 37. There shall be neither slavery nor involuntary servitude within the State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted. No indenture of any negro or mulatto, made or executed out of the bounds of the State, shall be valid within the State.

## ARTICLE II.

### *Suffrage and Election.*

SECTION I. All elections shall be free and equal.

SEC. 2. In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty - one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election; and every male of foreign birth, of the age of twenty - one-years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws

of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

SEC. 3. No soldier, seaman or marine, in the army or navy of the United States, or their allies, shall be deemed to have acquired a residence in this State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine, have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of the State or of the United States.

SEC. 5. [Stricken out by constitutional amendment of March 24, 1881].

SEC. 6. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible any person convicted of an infamous crime.

SEC. 9. No person holding a lucrative office or appointment, under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, That offices in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, where the



compensation does not exceed ninety dollars per annum, shall not be deemed lucrative; *And provided, also*, That counties containing less than one thousand polls may confer the office of Clerk, Recorder and Auditor, or any two of said offices, upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

SEC. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 12. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

SEC. 14. All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: *Provided*, That the General Assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote.

### ARTICLE III.

#### *Distribution of Powers.*

SECTION 1. The powers of the Government are divided into three separate departments: the Legislative, the Executive (in-



cluding the Administrative), and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

#### ARTICLE IV.

##### *Legislative.*

SECTION 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. The style of every law shall be, "Be it enacted by the General Assembly of the State of Indiana;" and no law shall be enacted except by bill.

SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided, however,* That the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed by lot, to the one or the other of the two classes, as to keep them as nearly equal as practicable.

SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: *Provided*, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution.

SEC. 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided.

SEC. 7. No person shall be a Senator or a Representative, who at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

SEC. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

SEC. 9. The sessions of the General Assembly shall be held biennially, at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year

one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time, by proclamation, call a special session.

SEC. 10. Each House, when assembled, shall choose its own officers (the President of the Senate excepted), judge the elections, qualifications and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

SEC. 11. Two thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing shall be entitled to no compensation from the end of the said five days, until an organization shall have been effected.

SEC. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: *Provided*, That on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 13. The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases as, in the opinion of either House, may require secrecy.

SEC. 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence; but such imprisonment shall not, at any time, exceed twenty-four hours.

SEC. 16. Each House shall have all powers necessary for a branch of the legislative department of a free and independent State.

SEC. 17. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

SEC. 18. Every bill shall be read by sections, on three several days in each House; unless, in case of emergency, two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say :

Regulating the jurisdiction and duties of justices of the peace and of constables ;

For the punishment of crimes and misdemeanors ;

Regulating the practice in courts of justice ;

Providing for changing the venue in civil and criminal cases ;

Granting divorces ;

Changing the names of persons ;

For laying out, opening, and working on, highways, and for the election or appointment of supervisors ;

Vacating roads, town plats, streets, alleys and public squares ;

Summoning and impaneling grand and petit juries, and providing for their compensation ;

Regulating county and township business ;

Regulating the election of county and township officers, and their compensation ;

For the assessment and collection of taxes for State, county, township or road purposes ;

Providing for supporting common schools, and for the preservation of school funds ;

In relation to fees or salaries ; except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required ;

In relation to interest on money ;

Providing for opening and conducting elections of State, county or township officers, and designating the places of voting ;

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.



SEC. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 24. Provision may be made by general law, for bringing suits against the State, as to all liabilities originating after the adoption of this Constitution ; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

SEC. 25. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution ; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective houses.

SEC. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until the same shall have been published and circulated in the several counties of this State, by authority, except in case of emergency ; which emergency shall be declared in the preamble or in the body of the law.

SEC. 29. The members of the General Assembly shall receive for their services a compensation, to be fixed by law ; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.



SEC. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly, nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the people.

## ARTICLE V.

### *Executive.*

SECTION 1. The executive powers of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

SEC. 2. There shall be a Lieutenant Governor, who shall hold his office during four years.

SEC. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 5. The persons, respectively, having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General

Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor, as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant Governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

SEC. 7. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices who shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the United States, or under this State, shall fill the office of Governor or Lieutenant Governor.

SEC. 9. The official term of the Governor or Lieutenant Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his death, resignation or inability to discharge the duties of the office, the same shall devolve on the Lieutenant Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer then shall act as Governor; and such officer shall act accordingly until the disability be removed or a Governor be elected.

SEC. 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

SEC. 12. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion.

SEC. 13. He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 14. Every bill which shall have passed the General Assembly shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session in like manner as if it had been returned by the Governor. But no bills shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

SEC. 15. The Governor shall transact all necessary business with the officers of Government, and may require any information in writing from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall take care that the laws be faithfully executed.

SEC. 17. He shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly at its next meeting, each case of reprieve, commutation or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: *Provided, however,* That the General Assembly, may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

SEC. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly, or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

SEC. 20. Should the seat of Government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

SEC. 21. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; have a right, when in Committee of the Whole, to join in debate, and to vote on all subjects, and, whenever the Senate shall be equally divided, he shall give the casting vote.

SEC. 22. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 23. The Lieutenant Governor, while he shall act as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of Representatives; and any person acting as Governor shall receive the compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant Governor shall be eligible to any other office during the term for which he shall have been elected.

## ARTICLE VI.

### *Administrative.*

SECTION 1. There shall be elected by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years

SEC. 2. There shall be elected in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. The Clerk, Auditor and Recorder shall continue in office four years; and no person shall be



eligible to the office of Clerk, Recorder or Auditor more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner, and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary, shall be elected or appointed, in such manner as may be prescribed by law.

SEC. 4. No person shall be elected or appointed as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

SEC. 5. The Governor, and the Secretary, Auditor and Treasurer of State, shall, severally, reside and keep the public records, books and papers, in any manner relating to the respective offices, at the seat of government.

SEC. 6. All county, township, and town officers shall reside within their respective counties, townships, and towns, and shall keep their respective offices at such places therein, and perform such duties as may be directed by law.

SEC. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

SEC. 8. All State, county, township, and town officers may be impeached, or removed from office, in such manner as may be prescribed by law.



SEC. 9. Vacancies in county, township, and town offices shall be filled in such manner as may be prescribed by law.

SEC. 10. The General Assembly may confer upon the Boards doing county business in the several counties, powers of a local administrative character.

## ARTICLE VII.

### *Judicial.*

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such other courts as the General Assembly may establish.

SEC. 2. The Supreme Court shall consist of not less than three, nor more than five Judges ; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court, and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein ; but said Judge shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction coextensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the Court thereon.

SEC. 6. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court, made under this Constitution, but no judge shall be allowed to report such decision.

SEC. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

SEC. 8. The Circuit Courts shall each consist of one judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide, by law, that the judge of one circuit may hold the courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the courts in his circuit, provision may be made, by law, for holding such courts.

SEC. 11. There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years.

SEC. 12. Any judge or prosecuting attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

SEC. 13. The judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

SEC. 14. A competent number of justices of the peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office.

SEC. 17. The General Assembly may modify or abolish the Grand Jury system.

SEC. 18. All criminal prosecutions shall be carried on in the name, and by the authority of the State; and the style of all processes shall be, "The State of Indiana."

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or court.

SEC. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice. And they shall provide for abolishing the distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said commissioners

to reduce into a systematic code the general statute law of the State; and said commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to the abridgement and amendment, as to said commissioners may seem necessary or proper. Provision shall be made by law for filling vacancies, regulating the tenure of office and the compensation of said commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.

## ARTICLE VIII.

### *Education.*

SECTION 1. Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

SEC. 2. The common school fund shall consist of the congressional township fund, and the lands belonging thereto;

The surplus revenue fund;

The saline fund, and the lands belonging thereto;

The bank tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance ;

All lands that have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof ; including the proceeds of the sales of the Swamp Lands granted to the State of Indiana by the act of Congress, of the 28th of September, 1850, after deducting the expense of selecting and draining the same ;

Taxes on the property of corporations that may be assessed by the General Assembly for Common School purposes.

SEC. 3. The principal of the Common School Fund shall remain a perpetual fund, which may be increased, but shall never be diminished ; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School Fund as have not heretofore been entrusted to the several counties ; and shall make provisions, by law, for the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest for Common School purposes, the same shall be re-invested for the benefit of such county.

SEC. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be intrusted to them, and for the payment of the annual interest thereon.

SEC. 7. All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public



Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

## ARTICLE IX.

### *State Institutions.*

SECTION 1. It shall be the duty of the General Assembly to provide by law for the support of Institutions for the Education of the Deaf and Dumb, and of the Blind; and, also, for the treatment of the Insane.

SEC. 2. The General Assembly shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

SEC. 3. The County Boards shall have power to provide Farms as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

## ARTICLE X.

### *Finance.*

SECTION 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law.

SEC. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than



bank bonds, shall be annually supplied, under the direction of the General Assembly, to the payment of the principal of the public debt.

SEC. 3. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

SEC. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash & Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act passed January 29, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates of stocks shall ever be paid by this State.

[NOTE.-- Agreed to by a majority of the members elected to each of the two houses of the General Assembly, Regular Session of 1871, and referred to the General Assembly to be chosen at the next general election. Agreed to by a majority of the members elected to each house of the General Assembly, Special Session of 1872. Submitted to the electors of the State by an act approved January 28, 1873. Ratified by a majority of the electors, at an election held on the 18th day of February, 1873. Declared a part of the Constitution by proclamation of Thomas A. Hendricks, Governor, dated March 7, 1873].

## ARTICLE XI.

### *Corporations.*

SECTION 1. The General Assembly shall not have power to establish, or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

SEC. 2. No bank shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and counter-signing, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of the State.

SEC. 4. The General Assembly may also charter a bank with branches, without collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

SEC. 6. The stockholders in every bank, or banking company, shall be individually responsible to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

SEC. 7. All bills or notes issued as money, shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the trust funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law.

## ARTICLE XII.

*Militia.*

SECTION 1. The militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State ; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quartermaster and Commissary Generals.

SEC. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers.

SEC. 5. The militia may be divided into classes of sedentary and active militia in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms shall be compelled to do militia duty ; but such person shall pay an equivalent for exemption ; the amount to be prescribed by law.

## ARTICLE XIII.

*Political and Municipal Corporations.*

SECTION 1. No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose, to any amount, in the aggregate exceeding two per centum on the value of taxable property within such corpora-

tion, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations, in excess of such amount, given by such corporations, shall be void : *Provided*, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition.

[The original Article 13 is stricken out and the amendment of March 24, 1881, inserted in lieu thereof].

#### ARTICLE XIV.

##### *Boundaries.*

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio ; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River ; on the west, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River ; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan ; on the north, by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

SEC. 2. The State of Indiana shall possess jurisdiction, and sovereignty co-extensive with the boundaries declared in the



preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

## ARTICLE XV.

### *Miscellaneous.*

SECTION 1. All officers whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of this State and of the United States, and also an oath of office.

SEC. 5. There shall be a seal of the State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

Sec. 6. All commissions shall issue in the name of the State,



shall be signed by the Governor, sealed by the State Seal, and attested by the Secretary of State.

SEC. 7. No county shall be reduced to an area less than four hundred square miles: nor shall any county under that area be further reduced.

SEC. 8. No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

SEC. 9. The following grounds owned by the State in Indianapolis, namely: the State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven as lies north of the arm of the Central Canal, shall not be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

## ARTICLE XVI.

### *Amendments.*

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals and referred to the General Assembly to be chosen at the next general election; and, if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State, and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendents shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while such an amendment or amendments which shall have been agreed upon by one General Assembly, shall be awaiting the action of the succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

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#### SCHEDULE.

This Constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen. That no inconvenience may arise from the change in the government, it is hereby ordained as follows:

*First*—All laws now in force, and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

*Second*—All indictments, prosecutions, suits, pleas, complaints and other proceedings pending in any of the Courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions shall be carried on in the several Courts, in the same manner as is now provided by law.

*Third*—All fines, penalties and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county in the manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force, and inure to the use of those concerned.

*Fourth*—All acts of incorporation for municipal purposes

shall continue in force under this Constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same.

*Fifth*—The Governor, at the expiration of the present official term, shall continue to act until his successor shall have been sworn into office.

*Sixth*—There shall be a session of the General Assembly, commencing on the first Monday of December, in the year one thousand eight hundred and fifty-one.

*Seventh*—Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected, shall continue in office until the first general election under this Constitution.

*Eighth*—The first general election under this Constitution shall be held in the year one thousand eight hundred and fifty-two.

*Ninth*—The first election for Governor, Lieutenant Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorney, Secretary, Auditor, and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices until their successors shall have been elected and qualified.

*Tenth*—Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office until the

term for which such person has been, or may be, elected, shall expire: *Provided*, That no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

*Eleventh*—On the taking effect of this Constitution, all officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

*Twelfth*—All vacancies that may occur in existing offices prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

*Thirteenth*—At the time of submitting this Constitution to the electors for their approval or disapproval, the article numbered thirteen, in relation to negroes and mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye," or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution, otherwise it shall be void and form no part thereof.

*Fourteenth*—No article or section of this Constitution shall be submitted as a distinct proposition to a vote of the electors otherwise than as herein provided.

*Fifteenth*—Whenever a portion of the citizens of the counties of Perry and Spencer shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the organization of such new county, to lay off the same by proper metes and bounds of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties at a general election, in such manner as shall be

prescribed by law. And if a majority of all the votes given at said election shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same out of the territory thus designated.

*Sixteenth.*—The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same, and the funds belonging to said town shall be applied according to the intention of the grantor.

Done in Convention, at Indianapolis, the tenth day of February, in the year of our Lord, one thousand eight hundred and fifty-one; and of the independence of the United States, the seventy-fifth.

GEORGE WHITFIELD CARR,

*President, and Delegate from the County of Lawrence.*

Attest: WM. H. ENGLISH,

*Principal Secretary.*

GEO. L. SITES,

HERMAN G. BARKWELL,

ROBERT M. EVANS,

*Assistant Secretaries.*

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## ADDENDA.

The original sections stricken out by the amendments herein inserted read as follows:

### ARTICLE II.

#### *Suffrage and Election.*

SECTION 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the



age of twenty - one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male, of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

SEC. 5. No negro or mulatto shall have the right of suffrage.

SEC. 14. All general elections shall be held on the second Tuesday in October.

#### ARTICLE IV.

##### *Legislative.*

SECTION 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the *white* male inhabitants over the age of twenty - one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of *white* male inhabitants, above twenty-one years of age, in each: *Provided*, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

SEC. 22. In relation to fees or salaries:

#### ARTICLE VII.

##### *Judicial.*

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such inferior courts as the General Assembly may establish.



## ARTICLE XIII.

*Negroes and Mulattoes.*

SECTION 1. No negro or mulatto shall come into, or settle in, the State, after the adoption of this Constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State, contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

SEC. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this article.

## APPENDIX.

### C

## THE CONSTITUTION OF THE UNITED STATES.

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(1) WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

### ARTICLE I.

#### SECTION I.

(2). All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### SECTION II.

(3) The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

(4) No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

(5) Representatives and direct taxes shall be apportioned among the several States which may be included within this

Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

(6) When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

(7) The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

### SECTION III.

(8) The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

(9) Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if

vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

(10) No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

(11) The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

(12) The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

(13) The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

(14) Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION IV.

(15) The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

(16) The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V.

(17) Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

(18) Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

(19) Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

(20) Neither house, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI.

(21) The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

(22) No Senator or Representative shall, during the time



for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding an office under the United States shall be a member of either house during his continuance in office.

## SECTION VII.

(23) All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

(24) Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

(25) Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the



same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

#### SECTION VIII.

(26) The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

(27) To borrow money on the credit of the United States;

(28) To regulate commerce with foreign nations and among the several States, and with the Indian tribes;

(29) To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

(30) To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

(31) To provide for the punishment of counterfeiting the securities and current coin of the United States;

(32) To establish post-offices and post-roads;

(33) To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

(34) To constitute tribunals inferior to the Supreme Court;

(35) To define and punish piracies and felonies committed on the high seas and offences against the law of nations;

(36) To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

(37) To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

(38) To provide and maintain a navy;

(39) To make rules for the government and regulation of the land and naval forces;

(40) To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;

(41) To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

(42) To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ; and

(43) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

#### SECTION IX.

(44) The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

(45) The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

(46) No bill of attainder or *ex post facto* law shall be passed.

(47) No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

(48) No tax or duty shall be laid on articles exported from any State.

(49) No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

(50) No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

(51) No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind, whatever, from any king, prince, or foreign state.

#### SECTION X.

(52) No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

(53) No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

(54) No State shall, without the consent of Congress, lay any

duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

## ARTICLE II.

### SECTION I.

(55) The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows :

(56) Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress ; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President ; and if no person

have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]"

(57) The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

(58) No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

(59) In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or the President shall be elected.

(60) The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been

<sup>1</sup> This clause of the Constitution has been amended. See twelfth article of the amendments.



elected, and he shall not receive within that period any other emolument from the United States or any of them.

(61) Before he enter on the execution of his office he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.”

## SECTION II.

(62) The President shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

(63) He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law ; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

(64) The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.



## SECTION III.

(65) He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

## SECTION IV.

(66) The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III.

## SECTION I.

(67) The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION II.

(68) The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime

jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

(69) In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

(70) The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

#### SECTION III.

(71) Treason against the United States shall consist only in levying way against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(72) The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

#### ARTICLE IV.

##### SECTION I.

(73) Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other

State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

#### SECTION II.

(74) The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

(75) A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

(76) No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

#### SECTION III.

(77) New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

(78) The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

#### SECTION IV.

(79) The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the

legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

#### ARTICLE V.

(80) The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ARTICLE VI.

(81) All debts contracted and engagements entered into, before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the confederation.

(82) This Constitution, and the Laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

(83) The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to

support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

#### ARTICLE VII.

(84) The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE—John Langdon, Nicholas Gilman.

MASSACHUSETTS—Nathanial Gorham, Rufus King.

CONNECTICUT—William Samuel Johnson, Roger Sherman.

NEW YORK—Alexander Hamilton.

NEW JERSEY—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA—John Blair, James Madison, Jr.

NORTH CAROLINA—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

GEORGIA—William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary*.



## AMENDMENTS.

### ARTICLE I.

(85) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### ARTICLE II.

(86) A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

### ARTICLE III.

(87) No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

### ARTICLE IV.

(88) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized

### ARTICLE V.

(89) No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indict-



ment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

#### ARTICLE VI.

(90) In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

#### ARTICLE VII.

(91) In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### ARTICLE VIII.

(92) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### ARTICLE IX.

(93) The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## ARTICLE X.

(94) The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

## ARTICLE XI.

(95) The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

## ARTICLE XII.

(96) The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation

from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States, shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

(97) The person having the greatest number of votes as Vice-President shall be the Vice-President, if such a number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

#### ARTICLE XIII.

(98) SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

(99) SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XIV.

(100) SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or pro-

erty, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(101) SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

(102) SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

(103) SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion

against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

(104) SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV.

(105) SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

(106) SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

## APPENDIX.

### *D.*

#### ANALYSIS OF THE CONSTITUTION OF THE UNITED STATES.

##### *NOTES TO THE TEACHER.*

1. The figures in bold-faced type in the Analyses refer to paragraphs of the United States Constitution.
2. The light-faced figures, following questions, refer to pages in "The American Citizen."
3. Valuable helps, in a cheap form, are found in those notable pamphlets of the Old South Leaflet Series, published by D. C. HEATH & CO., at 5 cts. each, or \$3.00 per 100. Following is a list:

- |  |   |
|--|---|
| 1. Constitution of the U. S.                                   | 16. Washington's Letter to Benjamin Harrison. |
| 2. Articles of Confederation.                                  | 17. Verrazano's Voyage, 1524.                 |
| 3. Declaration of Independence.                                | 18. Swiss Constitution.                       |
| 4. Washington's Farewell Address.                              | 19. The Bill of Rights, 1689.                 |
| 5. Magna Charta.   | 20. Coronado's Letter to Mendoza, 1540.       |
| 6. Vane's "Healing Question."                                  | 21. Eliot's Narrative, 1670.                  |
| 7. The Charter of Massachusetts Bay, 1629.                     | 22. Wheelock's Narrative, 1762.               |
| 8. Fundamental Orders of Connecticut, 1638.                    | 23. The Petition of Rights, 1628.             |
| 9. Franklin's Plan, 1754.                                      | 24. The Grand Remonstrance, 1641.             |
| 10. Washington's Inaugurals.                                   | 25. The Scottish National Covenant, 1638.     |
| 11. Lincoln's Inaugurals and Emancipation Proclamation.        | 26. The Agreement of the People, 1648-49.     |
| 12. The Federalist, Nos. 1 and 2.                              | 27. The Instrument of Government, 1653.       |
| 13. The Ordinance of 1787.                                     | 28. Cromwell's First Speech, 1653.            |
| 14. The Constitution of Ohio, double number (per 100, \$4.00). | 29. The Discovery of America, 1571.           |
| 15. Washington's Circular Letter to the Governors.             |   |



4. Additional sources of information and suggestion are found in :
  - a. Wilson's State and Federal Governments of the United States. Cloth, 50 cents. [Contains the historical development of our government, a comparison of State constitutions, and an analysis of the national Constitution].
  - b. Allen's History Topics. Paper, 25 cents. [Valuable for its topical outlines and for its lists of historical novels and other books for collateral reading].
  - c. Sheldon's Studies in American History. Cloth, illustrated, \$1.12. [Unique in its methods of teaching and studying history and for the large number of original documents and quizzes for pupils].
  - d. Dole's American Citizen. Cloth, 90 cents. [The most interesting book of its kind, and most valuable for the ethical principles inculcated].
  - e. Bancroft's History of the Formation of the Constitution. Cloth, \$2.50. [Invaluable for a study of this period].
  - f. Von Holst's Constitutional Law, \$2.
5. It will be found exceedingly interesting and helpful to prepare occasionally a series of questions leading to a comprehensive view of various public matters. Refer the pupils to books and journals giving information and inciting to investigation.
6. At all times the reasons for the various parts of the machinery of our government should, as far as practicable, be developed in the recitation. In assigning the lesson, look to the moral and ethical principles involved and give questions developing these.
7. As many teachers may wish to have a brief but valuable and helpful *Reference Library* for the use of classes in Civil Government, we have made arrangements to furnish the one below for \$11, or, express prepaid, for \$11.50.

## REFERENCE LIBRARY.

Mailing Price.

1. Woodrow Wilson's The State.....	\$2.00
2. Bancroft's History of the Formation of the Constitution....	2.50
3. Sheldon's Studies in American History.....	1.25
4. Von Holst's Constitutional Law.....	2.00
5. One full set Old South Leaflets.....	1.45
6. Wenzel's Comparative View of Governments.....	.20
7. Dole's The American Citizen .....	.90
8. Allen's History Topics and References.....	.25
9. Bryce's American Commonwealth.....	2.50
	<hr/> \$13.05

## THE CONSTITUTION OF THE UNITED STATES.

## I. PREAMBLE.

- |                            |   |   |
|----------------------------|---|---|
| 1. Parties to the compact. | { | "We, the people of the United States."  |
| 2. Purposes.               | { | 1. To form a more perfect union.<br>2. To establish justice.<br>3. To insure domestic tranquillity.<br>4. To provide for the common defence.<br>5. To promote the general welfare.<br>6. To secure the blessings of liberty.<br><i>a.</i> For themselves.<br><i>b.</i> For posterity. |
| 3. Thing Done.             | { | "Do ordain and establish this Constitution for the United States of America."   |

## QUERIES.

1. What form of government preceded that under the Constitution?
2. Why was the change made? 65.
3. When and where made? 66. (Bancroft).
4. By whom made—the States or the people?

5. What prominent men took part in the meeting to form the Constitution ?
6. How long did the discussion last ?
7. To whom was the Constitution reported ?
8. By whom and how ratified ?
9. Were the people unanimously for it ?
10. What are the purposes of a government

REFERENCES.—Sheldon's Studies in American History, pp. 203, 207, 211 ; Wilson's State and Federal Governments, pp. 21, 23, 24, 35 ; O. S. Leaflets, Nos. 3, 6, 19 ; Bancroft's History of the Formation of the Constitution.

## II. PARTS OF OUR GOVERNMENT.

1. The Law - Making Power. 1.
2. The Law - Interpreting Power. 67.
3. The Law - Executing Power. 55.

## THE LAW - MAKING POWER.

### III. CONGRESS.

- |              |   |                                 |
|--------------|---|---------------------------------|
| (p. 60, 65), | { | 1. House of Representatives. 2. |
| Composed of  |   | 2. Senate. 2.                   |

## QUERIES.

1. Why have three departments to the government ?
2. Does Russia have the same three departments ?
3. What are these parts called in England ?
4. Should public officers be paid ? Why ?
5. Why have a national judiciary ? 41, 83.
6. Why have a national legislature ?
7. Which is the Upper House ? Why so called ?
8. Which the Lower House ?
9. What does each House represent ? 67.

## HOUSE OF REPRESENTATIVES.

1. Composed of citizens. 4.
2. Qualifications. {
  1. Age ?
  2. Citizen how long ?
  3. Citizen where ? 4.
  4. How disqualified ? 22.
  5. Loyalty ? 102.
3. Elected. {
  1. When ? 3.
  2. By whom ? 3.
  3. Electors ? 3.
  4. How ? 15.
4. Vacancies. {
  1. How happen ? 18, 100.
  2. How filled ? 17.
5. Apportionment. {
  1. Includes whom ? 5.
  2. When made ? 5.
  3. Upon what basis ? 101.
  4. Conditions ? 100.
6. Powers. {
  1. Legislative. {
    - With Senate. 2.
    - Exclusive. 3.
  2. Of impeachment. 7.
  3. Electoral. {
    - 1, 9.
    - 2, 93.

## SENATE.

1. Composed of whom ? 8.
2. Qualifications. {
  1. Age ? 10.
  2. A citizen, nine years.
  3. Inhabitant of ?
  4. Office - holder ? 22.
  5. Chosen or appointed ?
  6. Loyal ? 102.
3. Elected. {
  1. By whom ? 8.
  2. For how long ? 8.
  3. How ? 9.
  4. When ?
  5. Into what classes ?

- |                     |   |                           |                    |
|---------------------|---|---------------------------|--------------------|
| 4. Vacancy.         | { | 1. How happen.            |                    |
|                     |   | 2. How filled.            |                    |
| 5. Powers.          | { | 1. To vote.               | 19.                |
|                     |   | 2. Legislative.           | 2.                 |
|                     |   | 3. Elective.              | { Officers. 12.    |
|                     |   |                           | { Vice-President.  |
|                     |   | 4. Of impeachment.        | 13.                |
|                     |   | 5. Executive.             | { Treaties.        |
|                     |   |                           | { Appointment. 63. |
| 6. Presided over by | { | Vice-President of U. S.   | 11.                |
|                     |   | President <i>pro tem.</i> | 12.                |

### QUERIES.

1. Why should a Senator be older than a representative ?
2. Why should Congressmen be citizens ?
3. Why should Senators hold office longer than Representatives ? 71.
4. Why have more than one House ? 68.
5. What exclusive power given the House of Representatives ?  
Why ?
6. What exclusive functions of the Senate ? Why ?
7. On what basis is representation allowed ?
8. What other basis could you suggest ?
9. What change in the basis of apportionment ? Why ? Why is  
the term "slavery" not mentioned in the Constitution ?
10. Who is responsible for legislation ? 64, 131.

REFERENCES.—Wilson's State and Federal Governments, pp. 98, 100, 102, 31; Sheldon's History, pp. 204, 205; Bancroft's History of the Formation of the Constitution.

## THE EXECUTIVE.

## I. THE PRESIDENT.

1. Supreme Executive. 55.

2. Term.

3. Election.	By Electors.	{	1. How appointed? 56.
			2. How many in each State?
		{	3. Process.
			{
			2. How vote?
			3. Make lists.
			4. Sign lists.
			5. Certify lists.
		6 Transmit lists.	
		7 Direct lists.	
	{	4. Before Congress.	
{		1. Lists opened by?	
		2. In presence of?	
		3. Counted by?	
		4. Election.	
		5. Non - election.	
	By House of Representatives.	{	1. When?
			2. From whom? 96.
			3. By ballot.
			4. By States.
		5. Quorum.	
		6. Non - election.	

4. Qualifications.	1. Citizenship. 58.
	2. Age.
	3. Residence.
	4. Oath of office. 61.

5. Salary. 60.

6. Removable. 66.

REFERENCES.—Dawes' How we are Governed, pp. 167-8; Macy's Civil Government; Wilson's State and Federal Governments.



7. **Powers and Duties.** {
- 1. Military. {
    - 1. Over army and navy. 62.
    - 2. Over militia, conditional.
  - 2. Civil. {
    - 1. Executive departments. 62.
    - 2. Reprieves and pardons.
    - 3. Make treaties, conditional. 63.
    - 4. Appoint. {
      - 1.
      - 2.
      - 3.
    - 5. Fill vacancies. 64.
    - 6. Send messages. 65.
    - 7. Convene Congress.
    - 8. Adjourn Congress.
    - 9. Receive ambassadors.
    - 10. Have laws executed.
    - 11. May veto laws. 24.
    - 12. Must grant commissions. 65.

## II. VICE-PRESIDENT.

- 1. **How elected** {
  - 1. By electors.
  - 2. By Senate. 97.
- 2. **Qualifications.** {
  - 1. Eligible to Presidency. 97.
  - 2. Oath of office. 83.
- 3. **Term.**
- 4. **Power and Duties.** {
  - 1. President of Senate. 11.
  - 2. Acting President of the United States. 59.

## QUERIES.

- 1. Why have but one President? 77. (Bancroft.) (Wilson, p. 113).
- 2. What does the President owe the people? 32.
- 3. Why not limit the Presidency to rich or highly educated men? 47.
- 4. Why limit the power of the President? (See Webster's speech on the Appointing and Removing Power).
- 5. Why should he be a native of the United States?
- 6. Why not elected by direct vote? (Wilson, p. 114).
- 7. Who counts the electoral vote?
- 8. What important contest raised this question?

9. In case of non-election by votes of electors, why should the House rather than the Senate choose a President?
10. Why not elect a President for one year? For six years? For ten years?

## THE JUDICIARY.

1. Composed of. 67.	{	Supreme Court	{	Chief Justice.	
			{	Associate Justices.	
		Subordinate Courts.	{	1. Circuit Courts of Appeals.	
				{	2. Circuit Courts.
				{	3. District Courts.
2. Judges.	{	Appointed by	{	1. President	
				and	
			{	2. Senate. 63.	
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3. Functions.	{	Judicial power			
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		Original			
		Jurisdiction. 69.			
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		Jurisdiction. 69.			

## QUERIES.

1. Why make the judges permanent office-holders? 86.
2. Why give them larger salaries than to Congressmen?
3. Why have a national judiciary? 83.

4. Why not allow all judges to hold office during life or good behavior? 85.
5. Why heed the courts' decisions?
6. What are the chief purposes of judges? 87.
7. What is a jury? 89.
8. Difference in purpose of the judge and the jury?
9. What is meant by the "common law?" By "statute law?"
10. What is meant by "equity?"

#### PROVISIONS COMMON TO SENATE AND HOUSE.

- |                        |   |                              |
|------------------------|---|------------------------------|
| 1. Membership.         | { | Composed of. 17.             |
|                        | { | Decided by.                  |
| 2. Oath of Office. 83. |   |                              |
| 3. Quorum.             | { | Composed of. 17.             |
|                        | { | How secured?                 |
| 4. Salary.             | { | How determined? 21.          |
|                        | { | How paid?                    |
| 5. Rules. 18.          |   |                              |
| 6. Journal.            | { | Kept. 19.                    |
|                        | { | Published.                   |
| 7. Yeas and Nays. 19.  |   |                              |
| 8. Things prohibited.  | { | Adjournment. { How long? 20. |
|                        |   | { Where?                     |
|                        | { | Holding civil office. 22.    |
|                        | { | Certain emoluments.          |
| 9. Penalties.          | { | Punishment. 18.              |
|                        | { | Expulsion.                   |

#### QUERIES.

1. Why should each house decide as to the qualifications of its member?
2. What is a "quorum" of the House? Of the Senate?
3. When is a quorum present? (See discussion over Speaker Reed's decision).
4. Why should less than a quorum adjourn?

5. What powers ought less than a quorum to have? Why?
6. Why keep a journal?
7. Why publish a journal?
8. What is the use of "Yeas and Nays?"
9. Why not let one house adjourn permanently without the other?
10. Why should each member vote? 122, 65

REFERENCES.—Any good book on Rules of Order; Bancroft's Formation of Constitution; Congressional Record.

## BILLS, LAWS, RESOLUTIONS, ETC.

1. Bills and Laws.	I. Courses.	<ul style="list-style-type: none"> <li>1. With executive approval.</li> <li>2. With executive veto.</li> <li>3. Without executive action.</li> </ul>
	II. First Course.	<ul style="list-style-type: none"> <li>1. Bill passes Congress. 24.</li> <li>2. Sent to the President.</li> <li>3. President approves.</li> </ul>
	III. Second Course.	<ul style="list-style-type: none"> <li>1. Bill passes Congress. 24.</li> <li>2. Sent to the President.</li> <li>3. President returns with objections.</li> <li>4. Objections entered on journal.</li> <li>5. Bill reconsidered.</li> <li>6. Approved by two-thirds.</li> <li>7. Vote taken.</li> <li>8. Votes recorded.</li> </ul>
	IV. Third Course.	<ul style="list-style-type: none"> <li>1. Bill passes Congress. 24.</li> <li>2. Presented to President.</li> <li>3. Not returned in ten days.</li> <li>4. Effect, Congress not adjourning.</li> </ul>
2. Orders, etc.		<ul style="list-style-type: none"> <li>1. Passed by Congress. 25.</li> <li>2. Exception.</li> <li>3. Presented to President.</li> <li>4. Approved or disapproved.</li> <li>5. Treated as a bill.</li> </ul>

### QUERIES.

1. What are the parts of a bill?
  2. Write a bill forbidding the smoking of cigarettes.
  3. Offer an amendment to this bill.
  4. What difference between a bill and a law?
  5. What steps in the passage of a bill?
  6. In what ways may a bill be defeated?
  7. How does the President approve a bill?
  8. How express his disapproval? 78.
  9. Write, as President, your approval of the bill mentioned in (2).
  10. Veto the bill in (2).
- 

### POWERS AND DUTIES OF CONGRESS.

#### I. AS TO REVENUES.

- |                |   |  |
|----------------|---|--|
| 1. Sources of. | { | 1. Taxes, duties, imposts, excises. 26.<br>2. Borrow money. 27.<br>3. Sale of lands. 78.<br>4. Sale of other property. |
| 2. Uses of.    | { | 1. To pay debts of the United States. 26.<br>2. To provide for common defence.<br>3. To promote public welfare.        |

### QUERIES.

1. Why should people pay taxes? 94, 101.
2. What difference between a direct and an indirect tax? Give examples.
3. What part of the time of Congress is taken up in raising and spending money? 143.
4. In what ways can Congress borrow money? 147.
5. Where and how does the government get its title to lands?
6. What is a tariff? Where collected? 99.
7. Why not raise all taxes on real estate or land? On personal property? On large incomes?
8. What is a poll tax? A license tax? Internal revenue?

9. For what ought the public money to be expended? 145.
10. What principles should govern a legislative body in raising taxes?
11. Should the government lend money to its citizens? 208, 212.

## II. AS TO TRADE.

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| 1. Kinds of Traffic.      | { | 1. Domestic. 28.                     |
|                           |   | 2. Foreign.                          |
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| 2. Means of Traffic.      | { | 1. Coining money. 30.                |
|                           |   | 2. Regulating value of money.        |
|                           |   | 3. Fixing standard weights, etc. 30. |
|                           |   | 4. Regulating bankruptcies. 29.      |
|                           |   | 5. Establishing post-offices. 32.    |
| 3. Hinderances removed by | { | 1. Punishing counterfeiting. 31.     |
|                           |   | 2. Punishing piracy and felony. 35.  |
|                           |   | 3. Protecting inventors, etc. 33.    |

## QUERIES.

1. What is the purpose of trade? Who is benefited? 237.
2. Is all profitable trade justifiable? Illustrate.
3. What usually controls the price of an article? 252.
4. Do not tariffs and other taxes raise the prices? Why allow this?
5. Why limit the coining and valuation of money to the general government alone? Can you coin paper money?
6. Why protect inventors? 303.

## III. AS TO WAR.

1. Congress may declare.
2. May grant letters of marque and reprisal.
3. May regulate captures.
4. May raise and support armies. Limitation.
5. May provide and maintain a navy.
6. May establish rules for army and navy.
7. May call out militia.
 

{	1. To execute the laws.
	2. To suppress insurrections.
	3. To repel invasions.



- |                                  |   |   |
|----------------------------------|---|---|
| 8. May regulate militia<br>as to | { | 1. Organization.<br>2. Equipment.<br>3. Discipline.<br>4. Government. |
|----------------------------------|---|---|

### QUERIES.

1. Why do wars occur? 257, 262, 297, 309.
2. How best prevented?
3. What are marque and reprisal?
4. What is it to declare war?
5. Why by Congress?
6. Who are the militia?
7. Why have militia?
8. What trouble did President Lincoln meet about the militia?
9. Why not keep a large standing army?
10. Should all able-bodied male citizens receive military training?

#### IV. AS TO COURTS AND PENALTIES.

- |                  |   |  |
|------------------|---|--|
| 1. Courts.       | { | 1. Congress may constitute inferior tribunals. 34.<br>2. May define and punish international offences. 35.<br>3. May fix place of certain trials. 70.<br>4. May restrict jurisdiction. 69. |
| 2. Penalties for | { | 1. Crimes on the seas. 35.<br>2. Offences against laws of nations.<br>3. Counterfeiting. 31.<br>4. Treason, with limitations. 72.<br>5. Violations of laws of special territory. 70.       |

### QUERIES.

1. What is the chief court of the United States?
2. Which are three of the subordinate courts?
3. What are international offences?
4. Why should Congress fix a place of trial?
5. Why have other than State courts?
6. Why have other than the supreme national court?
7. How many circuit courts? How constituted? Territory?

8. Is it better to punish wrong-doing or to prevent it?
9. How can courts become instruments of wrong? 89.
10. What is treason? How defined fully?
11. What is the purpose of punishment? 264.
11. What is an indeterminate sentence? Is it wise?
13. How can schools make a smaller number of courts necessary?
14. What are international rights? 303.

## V. AS TO STATES AND SPECIAL TERRITORY.

- |                                  |   |  |
|----------------------------------|---|--|
| 1. As to States.                 | { | 1. Congress may regulate elections of its own members. 15.<br>2. It may determine certain things as to electors. 57.<br>3. State imposts may be restricted. 53.<br>4. Proof of State records prescribed. 73.<br>5. Effect of proofs fixed how? |
| 2. As to Territory and Property. | { | 1. Exclusive legislation for seat of government. 42.<br>2. Authority over purchased territory.<br>3. May admit new States conditionally. 77.<br>4. May dispose of territory, etc.  |

## QUERIES.

1. Why should not Congress regulate all elections?
2. Who are electors?
3. What difference between a discretionary power and a mandatory one?
4. Can a state prevent the election of Congressmen?
5. What is a state impost? Of what value?
6. Why state what constitutes proof?
7. What is "eminent domain?" Upon what principle does it rest? 196. What rights imply?
8. How does any man acquire property in land? Upon what do all deeds rest? Why? 197.
9. Why should Congress control the seat of government?
10. Who makes laws for all territory not a part of a State? Why?

## MISCELLANEOUS POWERS, ETC.

1. Meetings.                    { How often? 16.  
                                      { When?  
                                      { How changed?
2. Naturalization. Must be uniform. 29.
3. Patents and copyrights.   { Purpose. 33.  
                                      { Secure what?  
                                      { For whose benefit?
4. Making of general laws. 43.
5. The slave trade.           { Recognized. 44.  
                                      { Abolished. 98.
6. Legislation as to executive vacancy. 59.
7. Inferior appointments.   { 1. 61.  
                                      { 2.  
                                      { 3.
8. Propose constitutional amendments.   { 1. By Congress. 80.  
    { 2. By convention.  
    { 3. Limitation.

## QUERIES.

1. Why must Congress meet yearly? How long can it remain in session? Where must it meet?
2. Can one house prevent the assembling of Congress?
3. What is the purpose of naturalization? Should immigration be restricted? 313.
4. What is a patent? A copyright? How secured? What is an international copyright? Do you favor these? 182.
5. Was the slave trade ever directly legalized by the Constitution? Why abolish it? Its history.
6. Why not limit law-making power to particular subjects or objects?
7. Can Congress alter or amend the Constitution? Why provide for amendments?
8. Is there any part of the Constitution which cannot be amended?

9. What is the constitutional definition of an inferior officer?  
What danger in controlling his appointment? 109, 110.
10. What is the civil service law? Its purpose? Its value? 108.

## OFFICE - HOLDERS.

- |                    |   |  |
|--------------------|---|--|
| 1. Restrictions.   | { | 1. Upon Congressmen. 22.<br>2. Upon office-holders.<br>3. As to presidential electors. 56.<br>4. As to disloyal persons. 102.<br>5. As to favors from foreign powers. 51 |
| 2. Term of Office. | { | 1. Of senators. 8.<br>2. Of representatives. 3.<br>3. Of the President. 55.<br>4. Of the Supreme Court. 67.<br>5. Of the Cabinet.  |
| 3. Salaries.       | { | 1. Amount. 21.<br>2. From what paid?   |
| 4. Impeachment.    | { | 1. Extent of judgment in. 66.<br>2. Any further liability.<br>3. Who are liable to?<br>4. On what ground? 70.  |

## QUERIES.

1. Why require public officers to be loyal? 138.
2. Why not allow a Congressman to hold another office? Why restrict presidential electors? 159.
3. Who are office-seekers? Is it wrong to seek office? 110.
4. Who are politicians? What are "rings?" Caucuses?
5. Why not let every office-holder remain during life or good behavior? 111, 162.
6. How did the term "rotation in office" arise? 113. What is meant by the expression, "To the victors belong the spoils?" What idea underlies this?
7. How large should salaries be? What obligations do salaries imply?
8. Why provide for impeachment? On what grounds?
9. Why limit the punishment?

## THE UNITED STATES ARE FORBIDDEN

- |     |   |   |                                  |                     |
|-----|---|---|----------------------------------|---------------------|
| 1.  | To restrict slave trade.                    | { | 1. Limitations.                  | 44.                 |
|     |   |   | 2. When abolished?               | 98.                 |
| 2.  | To suspend habeas corpus—(Exceptions?)      |   |                                  | 45.                 |
|     |   | { | 1. Bill of attainder.            | 46.                 |
| 3.  | To make such laws as                        |   | 2. Attainder of treason.         | 72.                 |
|     |   |   | 3. <i>Ex post facto</i> law.     | 46.                 |
| 4.  | To lay direct tax (unless?)                 |   |                                  | 47.                 |
|     |   | { | 1. On domestic exports.          | 48.                 |
| 5.  | To levy duties                              |   | 2. On interstate commerce.       | 49.                 |
| 6.  | To give preference in trading to any State. |   |                                  |                     |
|     |   | { | 1. For armies beyond two years.  | 37.                 |
| 7.  | To pay public money                         |   | 2. Without appropriation.        | 50.                 |
|     |   |   | 3. Without published statements. |                     |
|     |   |   | 4. For rebellion, etc.           |                     |
|     |   | { | 1. Territorial claims.           | 81.                 |
| 8.  | To repudiate                                |   | 2. Contracts.                    |                     |
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| 9.  | To grant title of nobility.                 |   |                                  | 51.                 |
|     |   | { | 1. Religious.                    | { Tests. 83.        |
|     |   |   |                                  | { Kind. 85.         |
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| 10. | To prohibit freedom.                        | { | 2. Civil.                        | { Speech. 85.       |
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|     |   |   |                                  | { Bearing arms. 86. |

## QUERIES.

1. What is the "*habeas corpus*"? Why so important? Why suspended?
2. Define a writ. An attorney. A court. Bail. 90, 91.
3. Give the correct basis and principle of taxation. 94, 98, 101.
4. What are duties? For what purposes levied? Why restricted?  
153.
5. What principles should govern in expending public money?

6. Should it be spent for internal improvements? Without limit?
7. Why limit war appropriations to two years?
8. What is repudiation? Why forbidden? Is repudiation not recognized as right in bankrupt laws?
9. What objection to titles of nobility? Principle?
10. Reasons for civil and religious freedom? Are freedom and license identical?

## THE STATES ARE FORBIDDEN.

- |                                |   |   |
|--------------------------------|---|---|
| 1. In interstate relations.    | { | 1. To make alliances, etc. 52.<br>2. To lay duties, except? 53.<br>3. To enter compacts, unless? 54.                    |
| 2. In commercial matters.      | { | 1. To coin money. 52.<br>2. To emit bills of credit.<br>3. To make legal tender, unless?<br>4. To impair contracts. 52. |
| 3. To grant title of nobility. |   | 52.   |
| 4. In penalties.               | { | 1. To pass bill of attainder. 52.<br>2. To pass <i>ex post facto</i> law.   |
| 5. In war.                     | { | 1. To engage, unless? 54.<br>2. To keep troops, etc.<br>3. To make reprisals, etc. 52.                                  |
| 6. To permit slavery.          |   | 98.   |

## QUERIES.

1. What is the supreme law of the land? Why?
2. Do all officers swear or affirm to support the Constitution of the United States? What else in an officer's oath?
3. Why restrict the States as to treaties? What was Æsop's fable as to the bundle of sticks? 61.
4. Can you tell anything about "wild-cat" banks?
5. Origin of money? Of coin? Of paper currency? 199.
6. Can the government cheat in making money? Are greenbacks money? Or bonds? 200, 202.
7. What is a contract? Why forbid a State to impair it?
8. What is an *ex post facto* law? Illustrate. Why objectionable?



9. Does not the State militia form part of the State troops?
10. Are laws made for the rulers only? For the rich only? For the poor only? 298, 299, 134, 47.

## THE STATES ARE SUBORDINATE.

- |                          |   |   |
|--------------------------|---|---|
| 1. In official oaths.    | { | 1. Of State legislators. 83.<br>2. Of State executives.<br>3. Of State judicial officers.   |
| 2. In supreme authority. | { | 1. To United States Constitution. 82.<br>2. To United States laws.<br>3. To United States treaties.<br>4. To United States judiciary. 82. |
| 3. In State obligations. | { | 1. To constitutional amendments. 80.<br>2. To Constitution itself. 84.  |

## QUERIES.

1. What differences between the Confederation of 1776 and the Republic created by the Constitution of 1787?
2. What difference between an oath and an affirmation? Who are permitted to affirm?
3. What is perjury? Does a man commit perjury in court if he tells only part of the truth?
4. Do laws make men good? Can you establish morality or temperance by law? 281, 291.
5. What is interstate commerce? Why not left to the States?
6. What was the "original-package" discussion?
7. What was the decision of the Supreme Court on this question?

## RIGHTS OF THE STATES.

- |                       |   |   |
|-----------------------|---|---|
| 1. To representation. | { | 1. In the House. Basis. 5.<br>2. In the Senate. Basis. 8, 9.        |
| 2. In elections,      | { | 1. Time. 15<br>2. Place.<br>3. Manner.                              |
| 3. With militia.      | { | 1. To appoint officers. 41.<br>2. To train by United States Manual. |

4. In interstate relations. 73.
5. As to citizenship. { 1. Immunities and privileges. 74.  
2. Of States and the United States. 100.  
3. Equal protection. 100.
6. Making new States. { 1. By dismemberment. 77.  
2. By junction.
7. As to fugitives. { 1. Not protected. 75.  
2. Not delivered. 76.
8. A guarantee. { 1. Of republican form. 79.  
2. Of protection from invasion.  
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9. Reservation. { 1. Of rights not enumerated. 93.  
2. Of rights not delegated. 94.

### QUERIES.

1. On what principle is representation based? Are women represented in governing bodies? Why?
2. Why should the States have control over certain things in the election of national officers? In the militia?
3. Does the United States Constitution define and fix citizenship? Why?
4. Why limit Congress in making new States?
5. What moral principle involved?
6. What is meant by a "republican form of government?"
7. On what principle is national protection based?
8. What is reserved to the States? Why?
9. Can an amendment be adopted contrary to the wish of any State? On what ground? 18, 12.

### RIGHTS OF INDIVIDUALS.

1. Of Senators and Representatives. { 1. As to arrest. 21.  
2. As to freedom of speech.
2. As to treason. { 1. Shall consist of? 71.  
2. Conviction only by? 71.
3. As to his house. { 1. In peace. 87.  
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- |                              |   |   |
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| 4. Security.                 | { | 1. In what? 88.<br>2. Against what?<br>3. Illegal warrants.   |
| 5. In criminal prosecutions. | { | 1. Kind of trial. 90, 91.<br>2. When tried?<br>3. Where tried?<br>4. Accusation. 89.<br>5. Witnesses must confront.<br>6. May have counsel.<br>7. Reasonable bail. 92.<br>8. No excessive fines.<br>9. No cruel or unusual punishments. |
| 6. In civil actions.         | { | 1. Jury trial, when? 89.<br>2. Second trial.  |
| 7. In the courts.            | { | 1. Privileges. 89.<br>2. Indictment.<br>3. Twice for same offence.<br>4. Self-accusation. 89.<br>5. Due legal process. 100.<br>6. Compensation for property taken.<br>7. Equal protection.  |

### QUERIES.

1. What is an individual? Natural right? Legal right?
2. What distinction between freedom and license?
3. Were the Anarchists of Chicago arrested for free speech?
4. What is meant by "A man's home is his castle?"
5. What is a warrant? Why must it be specific, not general?
6. What idea underlies trial by jury? What is a grand jury? A petit jury?
7. Why have witnesses face the accused?
8. What is counsel? Is it provided by the State?
9. What is an indictment? Does it prove guilt?
10. What is the first object of government?
11. Is the public school a protection to the State? How?
12. How can the principles underlying these provisions of the Constitution be taught in the school?

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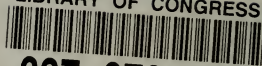








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